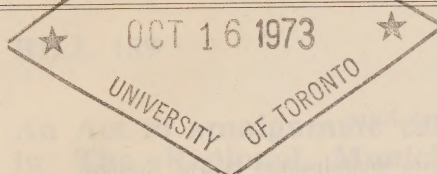


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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

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**An Act to amalgamate certain Municipalities in The
Regional Municipality of Ottawa-Carleton and to provide
for the Elections of Councils of the amalgamated
Municipalities**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill creates three enlarged area municipalities in The Regional Municipality of Ottawa-Carleton by the amalgamations and annexations set out. Provision is made for elections in December to the councils of the new municipalities and the members will hold office for the years 1974, 1975 and 1976. Complementary legislation will amend *The Regional Municipality of Ottawa-Carleton Act* by providing for the restructuring of the composition of the Regional Council and other related matters.

BILL 189

1973

**An Act to amalgamate certain Municipalities
in The Regional Municipality of Ottawa-
Carleton and to provide for the Elections of
Councils of the amalgamated Municipalities**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton, all as constituted by section 2;
- (b) "local board" means a local board as defined in ^{R.S.O. 1970, c. 118} *The Municipal Affairs Act*;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Municipal Board" means the Ontario Municipal Board.

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The Corporation of the Township of Goulbourn, The Corporation of the Village of Richmond and The Corporation of the Village of Stittsville are amalgamated as a township municipality bearing the name of The Corporation of the Township of Goulbourn;
- (b) The Corporation of the Township of Fitzroy, The Corporation of the Township of Huntley and The Corporation of the Township of Torbolton are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Carleton; and

- (c) The Corporation of the Township of North Gower and The Corporation of the Township of Marlborough are amalgamated as a township municipality bearing the name of The Corporation of the Township of Rideau and the portions of the Township of Gloucester, the Township of Nepean and the Township of Osgoode described in the Schedule hereto are annexed to such township.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum re names of area municipalities

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition of councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The Township of Goulbourn—Eight councillors elected by wards.
2. The Township of Rideau—Six councillors elected by wards.
3. The Township of West Carleton—Six councillors elected by wards.

(2) Elections for the first councils of the area municipalities^{First elections} established under this Act shall be held on the 3rd day of December, 1973, and the members so elected shall hold office for the years 1974, 1975 and 1976.

(3) For the purposes of the elections of the first councils^{Idem} of the area municipalities, the Minister shall by order,

- (a) divide each area municipality into wards and provide for the respective numbers of members to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) provide for nominations, the appointment of returning officers, the holding of the elections, the establishment of polling subdivisions, and the preparation of polling lists; and
- (c) provide for all such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality^{Organization} elected in the year 1973 shall comprise a committee in their^{committee, 1973} respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections^{First election expenses} to elect members of the councils of the area municipalities or of The Carleton Board of Education in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. Notwithstanding the provisions of section 120 of *The Carleton Board of Education R.S.O. 1970, c. 407* Regional Municipality of Ottawa-Carleton Act, in the year 1973, the Minister may by order provide for all matters necessary to reconstitute The Carleton Board of Education

including the holding of elections for such Board if necessary and the term of office for the members so elected.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ottawa-Carleton Amalgamations and Elections Act, 1973*.

SCHEDULE

FIRSTLY, part of the Township of Gloucester, commencing at a point in the southern boundary of the Township of Gloucester where it intersects the middle of the east branch of the Rideau River;

THENCE northerly along the middle of the east branch of the Rideau River lying to the east of Long Island and along the middle of the channel at the east side of Nicoll Island to the boundary between the townships of Gloucester and Nepean, the said point in the easterly prolongation of the line between lots 7 and 8 in Concession II Rideau Front of the Township of Nepean, being also on the prolongation of the south limit of Registered Plan No. 422;

THENCE southwesterly along the boundary between the townships of Gloucester and Nepean crossing Nicoll Island to the middle of the channel of the west branch of the Rideau River;

THENCE southerly along the middle of the said channel along the west side of Nicoll Island and Long Island to the southern boundary of the Township of Gloucester;

THENCE easterly along the southern limit of the Township of Gloucester as defined in *The Townships of Osgoode and Gloucester Act, 1943*, being chapter 44, to the point of commencement;

SECONDLY, part of the Township of Nepean, commencing at a point in the middle of the channel of the west branch of the Rideau River where it is intersected by the prolongation westerly of the south limit of Registered Plan No. 422 of the north part of Nicoll Island;

THENCE easterly to and along the south limit of said Plan, being along the boundary between the townships of Nepean and Gloucester to the middle of the channel of the east branch of the Rideau River;

THENCE northerly along the middle of the channel of the east branch of the Rideau River to its intersection with the middle of the channel of the west branch of the said River lying to the north of Nicoll Island;

THENCE southerly along the middle of the channel of the west branch of the Rideau River, to the west of Nicoll Island to the point of commencement;

THIRDLY, part of the Township of Osgoode, commencing at the northwest angle of the Township of Osgoode, being in the middle of the channel of the west branch of the Rideau River;

THENCE easterly along the north boundary of the Township of Osgoode as defined in *The Townships of Osgoode and Gloucester Act, 1943*, being chapter 44, to and crossing Long Island to the middle of the channel of the east branch of the Rideau River;

THENCE southeasterly and southerly along the middle of the channel of the east branch of the Rideau River to its intersection with the middle of the channel of the west branch of the said River lying southeast of Long Island;

THENCE northwesterly along the middle of the west branch of the Rideau River, being along the westerly boundary of the Township of Osgoode to the point of commencement.

An Act to amalgamate certain Municipalities
in The Regional Municipality of Ottawa-
Carleton and to provide for the Elections of
Councils of the amalgamated Municipalities

1st Reading

October 4th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

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BILL 189

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amalgamate certain Municipalities in The
Regional Municipality of Ottawa-Carleton and to provide
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Municipalities**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 189

1973

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in The Regional Municipality of Ottawa-
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HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton, all as constituted by section 2;
- (b) "local board" means a local board as defined in ^{R.S.O. 1970,} *The Municipal Affairs Act*; c. 118
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Municipal Board" means the Ontario Municipal Board.

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The Corporation of the Township of Goulbourn, The Corporation of the Village of Richmond and The Corporation of the Village of Stittsville are amalgamated as a township municipality bearing the name of The Corporation of the Township of Goulbourn;
- (b) The Corporation of the Township of Fitzroy, The Corporation of the Township of Huntley and The Corporation of the Township of Torbolton are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Carleton; and

- (c) The Corporation of the Township of North Gower and The Corporation of the Township of Marlborough are amalgamated as a township municipality bearing the name of The Corporation of the Township of Rideau and the portions of the Township of Gloucester, the Township of Nepean and the Township of Osgoode described in the Schedule hereto are annexed to such township.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum re names of area municipalities

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition of councils

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The Township of Goulbourn—Eight councillors elected by wards.
2. The Township of Rideau—Six councillors elected by wards.
3. The Township of West Carleton—Six councillors elected by wards.

(2) Elections for the first councils of the area municipalities established under this Act shall be held on the 3rd day of December, 1973, and the members so elected shall hold office for the years 1974, 1975 and 1976. ^{First elections}

(3) For the purposes of the elections of the first councils ^{Idem} of the area municipalities, the Minister shall by order,

- (a) divide each area municipality into wards and provide for the respective numbers of members to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) provide for nominations, the appointment of returning officers, the holding of the elections, the establishment of polling subdivisions, and the preparation of polling lists; and
- (c) provide for all such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their ^{Organization committee, 1973} respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections ^{First election expenses} to elect members of the councils of the area municipalities or of The Carleton Board of Education in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. Notwithstanding the provisions of section 120 of *The Regional Municipality of Ottawa-Carleton Act*, in the year 1973, the Minister may by order provide for all matters ^{Carleton Board of Education R.S.O. 1970, c. 407} necessary to reconstitute The Carleton Board of Education

including the holding of elections for such Board if necessary and the term of office for the members so elected.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ottawa-Carleton Amalgamations and Elections Act, 1973*.

SCHEDULE

FIRSTLY, part of the Township of Gloucester, commencing at a point in the southern boundary of the Township of Gloucester where it intersects the middle of the east branch of the Rideau River;

THENCE northerly along the middle of the east branch of the Rideau River lying to the east of Long Island and along the middle of the channel at the east side of Nicoll Island to the boundary between the townships of Gloucester and Nepean, the said point in the easterly prolongation of the line between lots 7 and 8 in Concession II Rideau Front of the Township of Nepean, being also on the prolongation of the south limit of Registered Plan No. 422;

THENCE southwesterly along the boundary between the townships of Gloucester and Nepean crossing Nicoll Island to the middle of the channel of the west branch of the Rideau River;

THENCE southerly along the middle of the said channel along the west side of Nicoll Island and Long Island to the southern boundary of the Township of Gloucester;

THENCE easterly along the southern limit of the Township of Gloucester as defined in *The Townships of Osgoode and Gloucester Act, 1943*, being chapter 44, to the point of commencement;

SECONDLY, part of the Township of Nepean, commencing at a point in the middle of the channel of the west branch of the Rideau River where it is intersected by the prolongation westerly of the south limit of Registered Plan No. 422 of the north part of Nicoll Island;

THENCE easterly to and along the south limit of said Plan, being along the boundary between the townships of Nepean and Gloucester to the middle of the channel of the east branch of the Rideau River;

THENCE northerly along the middle of the channel of the east branch of the Rideau River to its intersection with the middle of the channel of the west branch of the said River lying to the north of Nicoll Island;

THENCE southerly along the middle of the channel of the west branch of the Rideau River, to the west of Nicoll Island to the point of commencement;

THIRDLY, part of the Township of Osgoode, commencing at the northwest angle of the Township of Osgoode, being in the middle of the channel of the west branch of the Rideau River;

THENCE easterly along the north boundary of the Township of Osgoode as defined in *The Townships of Osgoode and Gloucester Act, 1943*, being chapter 44, to and crossing Long Island to the middle of the channel of the east branch of the Rideau River;

THENCE southeasterly and southerly along the middle of the channel of the east branch of the Rideau River to its intersection with the middle of the channel of the west branch of the said River lying southeast of Long Island;

THENCE northwesterly along the middle of the west branch of the Rideau River, being along the westerly boundary of the Township of Osgoode to the point of commencement.

An Act to amalgamate certain Municipalities
in The Regional Municipality of Ottawa-
Carleton and to provide for the Elections of
Councils of the amalgamated Municipalities

1st Reading

October 4th, 1973

2nd Reading

October 9th, 1973

3rd Reading

October 11th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N

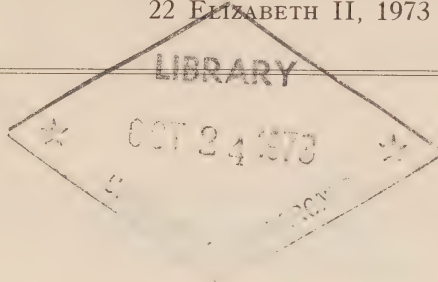
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-B 56

BILL 190

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



**An Act to establish
The Regional Municipality of Haldimand-Norfolk**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the formation of six area municipalities by the amalgamation and annexation of the twenty-eight local municipalities in the counties of Haldimand and Norfolk and provides for the incorporation of The Regional Municipality of Haldimand-Norfolk. Elections for the councils of the area municipalities will be held on the 10th day of December, 1973, and the new municipalities will come into being on the 1st day of April, 1974. Complementary legislation will be forthcoming to provide for the distribution of responsibilities between the area municipalities and the Regional Corporation.

BILL 190

1973

**An Act to establish
The Regional Municipality of
Haldimand-Norfolk**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) "chairman" means the chairman of the Regional Council;
- (c) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (d) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (e) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (f) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (g) "Municipal Board" means the Ontario Municipal Board;

(h) "Regional Area",

(i) until the 1st day of April, 1974, means,

A. the area included within the County of Haldimand, and

B. the area included within the County of Norfolk, except that portion of the Township of Middleton described as follows:

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement,

and

(ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

(i) "Regional Corporation" means, subject to subsection 6 of section 6, The Regional Municipality of Haldimand-Norfolk;

(j) "Regional Council" means the council of the Regional Corporation.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of April, 1974,

- (a) The portions of the townships of Charlotteville, Middleton, South Walsingham and Windham, described as follows, are annexed to The Corporation of the Town of Delhi to establish a township municipality bearing the name of The Corporation of the Township of Delhi.

FIRSTLY, part of the Township of Charlotteville, commencing at the intersection of the east boundary of the Township of Charlotteville and the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the road allowance between the said concessions to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the Township of Charlotteville;

THENCE westerly along the north boundary of the Township of Charlotteville to its northwest angle;

THENCE southerly along the west boundary of the Township of Charlotteville and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to the southerly prolongation of the east boundary of the Township of Charlotteville;

THENCE northerly to and along the east boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Middleton, commencing at the northeast angle of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road

and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of Big Creek to the south boundary of the Township of Middleton;

THENCE easterly along the south boundary of the Township of Middleton to its southeast angle;

THENCE northerly along the east boundary of the Township of Middleton to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Middleton and the Town of Delhi to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Middleton to the point of commencement;

THIRDLY, part of the Township of South Walsingham, commencing at the intersection of the east boundary of the Township of South Walsingham and the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly following the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE northerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the Township of Windham, commencing at the northeast angle of the Township of Windham;

THENCE southerly along the east boundary of the Township of Windham to the easterly prolongation of the centre line of road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of road allowance between the said concessions to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE westerly along the south boundary of the Township of Windham to its southwest angle;

THENCE northerly following the westerly boundary of the Township of Windham to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Windham and the Town of Delhi to the west boundary of the said Township of Windham;

THENCE northerly along the west boundary of the said Township to its northwest angle;

THENCE easterly along the north boundary of the Township of Windham to the point of commencement;

- (b) The Corporation of the Village of Jarvis, The Corporation of the Town of Port Dover and The Corporation of the Town of Waterford are amalgamated as a city municipality bearing the name of The Corporation of the City of Nanticoke and the portions of the townships of Rainham, Townsend, Walpole and Woodhouse described as follows, are annexed to such city:

FIRSTLY, part of the Township of Rainham, commencing at a point in the west boundary of the Township of Rainham where it intersects the limit between the north and south halves of Lot 1 in Concession II of the said Township;

THENCE easterly along the limit between the north and south halves of said Lot 1 being the north

limit of the lands of O. Hoover as described in Instrument Number 6966 to the east limit of said Lot 1;

THENCE southerly along the east limit of Lot 1 in concessions II and I in the said Township of Rainham to the north limit of the lands of V. and M. Hare, described in Instrument Number 83254;

THENCE westerly along the north limit of the said lands and the prolongation thereof to the west boundary of the Township of Rainham;

THENCE northerly along the west boundary of the Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the northwest angle of the Township of Townsend;

THENCE southerly along the west boundary of the Township of Townsend to the westerly prolongation of the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly to and along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 4 in Concession XIII of the said Township;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV to the south boundary of the said Township of Townsend;

THENCE easterly along the south boundary of the said Township to its southeast angle;

THENCE northerly along the east boundary of the Township of Townsend to its northeast angle;

THENCE northwesterly and westerly following the northern boundaries of the Township of Townsend to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Waterford.

THIRDLY, part of the Township of Walpole, commencing at the northwest angle of the Township of Walpole;

THENCE southeasterly along the northeast boundary of the Township of Walpole to the northerly boundary of the Village of Hagersville;

THENCE westerly and southerly following the boundaries between the Township of Walpole and the Village of Hagersville to an angle in the said Village being a point in the west limit of Lot 13 in Concession XIII;

THENCE southerly along the east limit of Lot 13 in concessions XIII, XII and XI of the Township of Walpole to the centre line of road allowance between concessions X and XI of the said Township;

THENCE easterly along the centre line of the said road allowance to the northeast boundary of the said Township of Walpole;

THENCE southeasterly and southerly along the easterly boundaries of the Township of Walpole to its southeast angle;

THENCE westerly along the south boundary of the Township of Walpole to its southwest angle;

THENCE northerly along the west boundary of the Township of Walpole to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Jarvis;

FOURTHLY, part of the Township of Woodhouse, commencing at the northeast angle of the Township of Woodhouse;

THENCE southerly along the east boundary of the Township of Woodhouse and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Long Point Bay;

THENCE westerly along the middle of the said bay to the southerly prolongation of the west boundary of the said Township of Woodhouse;

THENCE northerly to and along the west boundary of the Township of Woodhouse to the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7 in the Gore of the Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the centre line of the said road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III known as the Ireland Side Road;

THENCE northerly following the centre line of the said Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE northerly along the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE easterly along the north boundary of the Township of Woodhouse to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Port Dover;

- (c) The Corporation of the Township of Canborough, The Corporation of the Township of Dunn, The Corporation of the Town of Dunnville, The Corporation of the Township of Moulton and The Corporation of the Township of Sherbrooke are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dunnville;
- (d) The Corporation of the Town of Caledonia, The Corporation of the Village of Cayuga, The Corporation of the Village of Hagersville, The Corporation of the Township of North Cayuga, The Corporation of the Township of Oneida, The Corporation of the Township of Seneca and The Corporation of the Township of South Cayuga are amalgamated as a town municipality bearing the name of The Cor-

poration of the Town of Haldimand and the portions of the townships of Rainham and Walpole, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Rainham, commencing at the northerly angle of the Township of Rainham;

THENCE southeasterly along the northeast and easterly boundaries of the Township of Rainham to its southeast angle in Lake Erie;

THENCE westerly along the south boundary of the Township of Rainham to its southwest angle;

THENCE northerly along the west boundary of the Township of Rainham to the westerly prolongation of the north limit of the lands of V. and M. Hare, as described in Instrument Number 83254;

THENCE easterly to and along the last mentioned lands to the east limit of Lot 1 in Concession I of the said Township of Rainham;

THENCE northerly along the east limit of Lot 1 in concessions I and II to the limit between the north and south halves of Lot 1 in Concession II in the said Township of Rainham the said limit being the north limit of the lands of O. Hoover, as described in Instrument Number 6966;

THENCE westerly along the limit between the north and south halves of said Lot 1 to the west boundary of the said Township;

THENCE northerly along the west boundary of the said Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Walpole, commencing at a point in the northeast boundary of the Township of Walpole where it is intersected by the centre line of the road allowance between concessions X and XI of the said Township;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the east limit of Lot 13 in Concession XI of the Township of Walpole;

THENCE northerly to and along the east limit of Lot 13 in concessions XI, XII and XIII of the said Township of Walpole to an angle in the Village of Hagersville;

THENCE southerly and easterly following the boundaries between the Township of Walpole and the Village of Hagersville to the northeast boundary of the said Township of Walpole;

THENCE southeasterly along the northeast boundary of the said Township to the point of commencement;

- (e) The portions of the townships of Charlotteville, Townsend, Windham and Woodhouse, described as follows, are annexed to The Corporation of the Town of Simcoe;

FIRSTLY, part of the Township of Charlotteville, commencing at a point in the east boundary of the Township of Charlotteville where it intersects the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the said Township of Charlotteville;

THENCE easterly along the north boundary of the Township of Charlotteville to its northeast angle;

THENCE southerly along the east boundary of the Township of Charlotteville to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the intersection of the west boundary of the Township of Townsend and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the northerly prolongation of the

west limit of Lot 4 in Concession XIII of the Township of Townsend;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV of the Township of Townsend to its south boundary;

THENCE westerly following the boundaries between the Township of Townsend and the Town of Simcoe to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Townsend to the point of commencement;

THIRDLY, part of the Township of Windham, commencing at the intersection of the east boundary of the Township of Windham and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of the said road allowance to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of the road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE easterly along the south boundary of the Township of Windham to the boundary of the Town of Simcoe;

THENCE northeasterly following the boundaries between the Township of Windham and the Town of Simcoe to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Windham to the point of commencement;

FOURTHLY, part of the Township of Woodhouse, commencing at the intersection of the west boundary of the Township of Woodhouse and the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7

in the Gore of the said Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III, known as the Ireland Side Road;

THENCE northerly following the centre line of the Ireland Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE in a general northwesterly direction following the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE westerly along the north limit of the Township of Woodhouse to its northwest angle;

THENCE southerly along the west boundary of the Township of Woodhouse to the point of commencement;

- (f) The Corporation of the Township of Houghton, The Corporation of the Township of North Walsingham and The Corporation of the Village of Port Rowan are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norfolk and the portions of the townships of Middleton and South Walsingham, described as follows, are annexed to such township;

FIRSTLY, part of the Township of Middleton, commencing at the southwest angle of the Township of Middleton;

THENCE northerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the said Township;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE southerly, easterly and northerly following the boundaries between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE easterly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of the said main channel to the south boundary of the Township of Middleton;

THENCE westerly along the south boundary of the Township of Middleton to the point of commencement;

SECONDLY, part of the Township of South Walsingham, commencing at the northeast angle of the Township of South Walsingham;

THENCE southerly along the east boundary of the Township of South Walsingham to the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the said Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing the middle of said Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly along the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE southerly along the east boundary of the said Township and its prolongation to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to its intersection with the southerly prolongation of the west boundary of the Township of Walpole into Lake Erie;

THENCE southerly along the said prolongation, being along the east boundary of the Township of South Walsingham, to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southerly prolongation of the west boundary of the Township of South Walsingham;

THENCE northerly to and along the west boundary of the Township of South Walsingham to its north-west angle;

THENCE easterly along the north boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Rowan.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of April, 1974:

1. The Police Village of Canfield.
2. The Police Village of Fisherville.
3. The Police Village of St. Williams.
4. The Police Village of Selkirk.
5. The Police Village of Vittoria.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this

Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

Referendum
re area
municipality
names

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of April, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The Township of Delhi—except as may be provided under subsection 3, eleven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The City of Nanticoke—except as may be provided under subsection 3, twelve members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

3. The Town of Dunnville—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Haldimand—except as may be provided under subsection 3, seventeen members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and fifteen of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
5. The Town of Simcoe—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Norfolk—except as may be provided under subsection 3, eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and six of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 10th day of December and the first councils elected shall hold office for the year 1974, on and after the 1st day of April, and for the years 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipalities on the Regional Council,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members

of the council of the area municipality and of the Regional Council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order provide for the qualification of candidates; and

(c) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality ^{Organization committee in 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year and until the 1st day of April, 1974, necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the ^{First election expenses} elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 1st day of January, 1974, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Haldimand-Norfolk".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
county for
judicial
purposes
R.S.O. 1970,
c. 230

(3) On and after the 1st day of April, 1974, each of the judicial districts of Haldimand and Norfolk, as described in subsection 4, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Haldimand
and Norfolk
judicial
district

(4) For judicial purposes, on and after the 1st day of April, 1974, the Regional Area is divided into two judicial districts as follows:

1. The Judicial District of Haldimand composed of all the area of the County of Haldimand as it existed on the 31st day of March, 1974.
2. The Judicial District of Norfolk composed of all the area of the County of Norfolk as it existed on the 31st day of March, 1974.

Registry
boundaries

(5) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
counties
deemed
appointments
for judicial
districts

(6) Every person who held an office or appointment under any Act on the 31st day of March, 1974, in and for the County of Haldimand or in and for the County of Norfolk shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of April, 1974, in and for the Judicial District of Haldimand or the Judicial District of Norfolk, as the case may be.

Referendum
re name of
Regional
Corporation

(7) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council to determine from between "Erie" and "Haldimand-Norfolk", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area; or
- (b) declare the name of the Regional Corporation to be The Regional Municipality of Erie, as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Haldimand-Norfolk shall be deemed to be references to The Regional Municipality of Erie and all ancillary references to Haldimand-Norfolk shall be deemed to be references to Erie.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty members composed of a chairman and, Composition of Regional Council

- (a) until the 31st day of March, 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) two members of the council of the area municipality of the Township of Delhi who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) three members of the council of the area municipality of the City of Nanticoke who have been elected as members of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Dunnville who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) two members of the council of the area municipality of the Town of Haldimand who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Simcoe who have been elected as

members of the Regional Council and of the council of such area municipality;

- (g) two members of the council of the area municipality of the Township of Norfolk who have been elected as members of the Regional Council and of the council of such area municipality.

Term of
office

- (2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1974, 1975 and 1976.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

- 9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 1st day of December, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

Election of
chairman

- (2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

- (3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

- (4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting,
1974

- 10.—(1) The first meeting of the Regional Council in the year 1974 shall be held on or after the 1st day of January, 1974, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

(2) Notwithstanding any other general or special Act, ^{First meeting of area councils} the first meeting of the council of each area municipality in the year 1974 shall be held not later than the 9th day of April, 1974, and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year ^{First meeting of Regional Council} 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a ^{Certificate of qualification} member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional ^{Idem} Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

(6) The chairman, before taking his seat, shall take an ^{Oath of allegiance and declaration of qualification} oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting ^{Declaration of office} of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all ^{R.S.O. 1970, c. 284} members who present themselves for that purpose.

(8) The Regional Council shall be deemed to be organized ^{When Council deemed organized} when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

11.—(1) Ten members of the Regional Council representing ^{Quorum, voting} all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

- One vote (2) Subject to subsection 3, each member of the Regional Council has one vote only.
- Chairman vote (3) The chairman does not have a vote except in the event of an equality of votes.
- Place of meeting **12.** Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints.
- Vacancies, chairman **13.—(1)** When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.
- Idem (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council or any other person, to hold office for the remainder of the term of his predecessor.
- Idem (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.
- Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.
- Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law

shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of April, 1974, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of council}

(2) The Regional Council may by by-law appoint a chief administrative officer, who, ^{Chief administrative officer}

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. ^{Application of R.S.O. 1970, c. 284}

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of
R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession

or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

(3) When the office of the treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. ^{Monthly statement}

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. ^{Notice to sureties}

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. ^{Appointment of auditors}

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Minister may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the Regional Area that formerly comprised the County of Haldimand is a school division and The Haldimand County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division. ^{Part of Regional Area school division} ^{R.S.O. 1970, c. 425}

(2) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the ^{Idem}

R.S.O. 1970,
c. 425

Regional Area that formerly comprised part of the County of Norfolk is a school division and The Norfolk County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division.

Haldimand-
Norfolk
County
Roman
Catholic
Separate
School Board,
continued
R.S.O. 1970,
c. 430

(3) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, The Haldimand-Norfolk County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools Act*, as a county combined separate school board for the Regional Area.

School board
elections

28.—(1) The school boards referred to in section 27 may by resolution provide that the election of members or trustees thereof, as the case may be, shall be held in the year 1974 and unless a certified copy of such resolution is received by the Minister on or before the 1st day of November, 1973, the election of such members or trustees shall be held in the year 1973.

Idem

R.S.O. 1970,
cc. 425, 430

(2) Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Haldimand County Board of Education and The Norfolk County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Haldimand-Norfolk County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, if any such election is held in the year 1973,

1972, c. 95

(a) the polling day for the members and trustees of such board shall be the 10th day of December, and the hours of polling shall be the same as for the municipal elections in the Regional Area and the members elected on such date shall take office on the 1st day of April, 1974, and continue to hold such office until the 31st day of December, 1976;

(b) the Minister shall, by order, provide for nomination of candidates for such boards and may by order provide for any other matters necessary to hold the elections for such boards; and

(c) the expenses of the local municipalities for such elections shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund,

and, if an election of members or trustees, as the case may be, of a board is held in the year 1974, the expenses of the area municipalities for such election shall be paid by the board in respect of which the election is held.

29. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

30. This Act may be cited as *The Regional Municipality* ^{Short title} of *Haldimand-Norfolk Act, 1973.*

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I, ,
having been elected (*or appointed*) as chairman of the council of The
Regional Municipality of Haldimand-Norfolk, do swear that I will be faithful
and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning
sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ,
having been elected (*or appointed*) as chairman of the council of The
Regional Municipality of Haldimand-Norfolk declare that :

1. I am a British subject and am not a citizen or a subject of any
foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality
or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to
be true and knowing that it is of the same force and effect as if made under
oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of
Haldimand-Norfolk

1st Reading

October 11th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

XB

-B 56

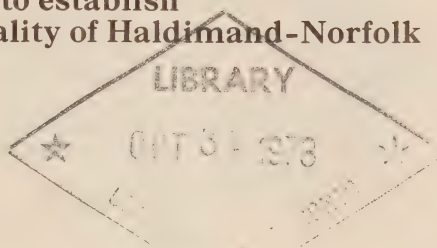
Government
Publications

BILL 190

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Haldimand-Norfolk**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the formation of six area municipalities by the amalgamation and annexation of the twenty-eight local municipalities in the counties of Haldimand and Norfolk and provides for the incorporation of The Regional Municipality of Haldimand-Norfolk. Elections for the councils of the area municipalities will be held on the 10th day of December, 1973, and the new municipalities will come into being on the 1st day of April, 1974. Complementary legislation will be forthcoming to provide for the distribution of responsibilities between the area municipalities and the Regional Corporation.

BILL 190

1973

**An Act to establish
The Regional Municipality of
Haldimand-Norfolk**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) "chairman" means the chairman of the Regional Council;
- (c) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (d) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (e) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (f) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (g) "Municipal Board" means the Ontario Municipal Board;

(h) “Regional Area”,

(i) until the 1st day of April, 1974, means,

A. the area included within the County of Haldimand, and

B. the area included within the County of Norfolk, except that portion of the Township of Middleton described as follows:

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement,
and

(ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

(i) “Regional Corporation” means, subject to subsection 6 of section 6, The Regional Municipality of Haldimand-Norfolk;

(j) “Regional Council” means the council of the Regional Corporation.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of April, 1974,

- (a) The portions of the townships of Charlotteville, Middleton, South Walsingham and Windham, described as follows, are annexed to The Corporation of the Town of Delhi to establish a township municipality bearing the name of The Corporation of the Township of Delhi.

FIRSTLY, part of the Township of Charlotteville, commencing at the intersection of the east boundary of the Township of Charlotteville and the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the road allowance between the said concessions to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the Township of Charlotteville;

THENCE westerly along the north boundary of the Township of Charlotteville to its northwest angle;

THENCE southerly along the west boundary of the Township of Charlotteville and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to the southerly prolongation of the east boundary of the Township of Charlotteville;

THENCE northerly to and along the east boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Middleton, commencing at the northeast angle of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road

and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of Big Creek to the south boundary of the Township of Middleton;

THENCE easterly along the south boundary of the Township of Middleton to its southeast angle;

THENCE northerly along the east boundary of the Township of Middleton to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Middleton and the Town of Delhi to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Middleton to the point of commencement;

THIRDLY, part of the Township of South Walsingham, commencing at the intersection of the east boundary of the Township of South Walsingham and the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly following the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE northerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the Township of Windham, commencing at the northeast angle of the Township of Windham;

THENCE southerly along the east boundary of the Township of Windham to the easterly prolongation of the centre line of road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of road allowance between the said concessions to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE westerly along the south boundary of the Township of Windham to its southwest angle;

THENCE northerly following the westerly boundary of the Township of Windham to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Windham and the Town of Delhi to the west boundary of the said Township of Windham;

THENCE northerly along the west boundary of the said Township to its northwest angle;

THENCE easterly along the north boundary of the Township of Windham to the point of commencement;

- (b) The Corporation of the Village of Jarvis, The Corporation of the Town of Port Dover and The Corporation of the Town of Waterford are amalgamated as a city municipality bearing the name of The Corporation of the City of Nanticoke and the portions of the townships of Rainham, Townsend, Walpole and Woodhouse described as follows, are annexed to such city:

FIRSTLY, part of the Township of Rainham, commencing at a point in the west boundary of the Township of Rainham where it intersects the limit between the north and south halves of Lot 1 in Concession II of the said Township;

THENCE easterly along the limit between the north and south halves of said Lot 1 being the north

limit of the lands of O. Hoover as described in Instrument Number 6966 to the east limit of said Lot 1;

THENCE southerly along the east limit of Lot 1 in concessions II and I in the said Township of Rainham to the north limit of the lands of V. and M. Hare, described in Instrument Number 83254;

THENCE westerly along the north limit of the said lands and the prolongation thereof to the west boundary of the Township of Rainham;

THENCE northerly along the west boundary of the Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the northwest angle of the Township of Townsend;

THENCE southerly along the west boundary of the Township of Townsend to the westerly prolongation of the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly to and along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 4 in Concession XIII of the said Township;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV to the south boundary of the said Township of Townsend;

THENCE easterly along the south boundary of the said Township to its southeast angle;

THENCE northerly along the east boundary of the Township of Townsend to its northeast angle;

THENCE northwesterly and westerly following the northern boundaries of the Township of Townsend to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Waterford.

THIRDLY, part of the Township of Walpole, commencing at the northwest angle of the Township of Walpole;

THENCE southeasterly along the northeast boundary of the Township of Walpole to the northerly boundary of the Village of Hagersville;

THENCE westerly and southerly following the boundaries between the Township of Walpole and the Village of Hagersville to an angle in the said Village being a point in the west limit of Lot 13 in Concession XIII;

THENCE southerly along the east limit of Lot 13 in concessions XIII, XII and XI of the Township of Walpole to the centre line of road allowance between concessions X and XI of the said Township;

THENCE easterly along the centre line of the said road allowance to the northeast boundary of the said Township of Walpole;

THENCE southeasterly and southerly along the easterly boundaries of the Township of Walpole to its southeast angle;

THENCE westerly along the south boundary of the Township of Walpole to its southwest angle;

THENCE northerly along the west boundary of the Township of Walpole to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Jarvis;

FOURTHLY, part of the Township of Woodhouse, commencing at the northeast angle of the Township of Woodhouse;

THENCE southerly along the east boundary of the Township of Woodhouse and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Long Point Bay;

THENCE westerly along the middle of the said bay to the southerly prolongation of the west boundary of the said Township of Woodhouse;

THENCE northerly to and along the west boundary of the Township of Woodhouse to the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7 in the Gore of the Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the centre line of the said road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III known as the Ireland Side Road;

THENCE northerly following the centre line of the said Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE northerly along the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE easterly along the north boundary of the Township of Woodhouse to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Port Dover;

- (c) The Corporation of the Township of Canborough, The Corporation of the Township of Dunn, The Corporation of the Town of Dunnville, The Corporation of the Township of Moulton and The Corporation of the Township of Sherbrooke are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dunnville;
- (d) The Corporation of the Town of Caledonia, The Corporation of the Village of Cayuga, The Corporation of the Village of Hagersville, The Corporation of the Township of North Cayuga, The Corporation of the Township of Oneida, The Corporation of the Township of Seneca and The Corporation of the Township of South Cayuga are amalgamated as a town municipality bearing the name of The Cor-

poration of the Town of Haldimand and the portions of the townships of Rainham and Walpole, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Rainham, commencing at the northerly angle of the Township of Rainham;

THENCE southeasterly along the northeast and easterly boundaries of the Township of Rainham to its southeast angle in Lake Erie;

THENCE westerly along the south boundary of the Township of Rainham to its southwest angle;

THENCE northerly along the west boundary of the Township of Rainham to the westerly prolongation of the north limit of the lands of V. and M. Hare, as described in Instrument Number 83254;

THENCE easterly to and along the last mentioned lands to the east limit of Lot 1 in Concession I of the said Township of Rainham;

THENCE northerly along the east limit of Lot 1 in concessions I and II to the limit between the north and south halves of Lot 1 in Concession II in the said Township of Rainham the said limit being the north limit of the lands of O. Hoover, as described in Instrument Number 6966;

THENCE westerly along the limit between the north and south halves of said Lot 1 to the west boundary of the said Township;

THENCE northerly along the west boundary of the said Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Walpole, commencing at a point in the northeast boundary of the Township of Walpole where it is intersected by the centre line of the road allowance between concessions X and XI of the said Township;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the east limit of Lot 13 in Concession XI of the Township of Walpole;

THENCE northerly to and along the east limit of Lot 13 in concessions XI, XII and XIII of the said Township of Walpole to an angle in the Village of Hagersville;

THENCE southerly and easterly following the boundaries between the Township of Walpole and the Village of Hagersville to the northeast boundary of the said Township of Walpole;

THENCE southeasterly along the northeast boundary of the said Township to the point of commencement;

- (e) The portions of the townships of Charlotteville, Townsend, Windham and Woodhouse, described as follows, are annexed to The Corporation of the Town of Simcoe;

FIRSTLY, part of the Township of Charlotteville, commencing at a point in the east boundary of the Township of Charlotteville where it intersects the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the said Township of Charlotteville;

THENCE easterly along the north boundary of the Township of Charlotteville to its northeast angle;

THENCE southerly along the east boundary of the Township of Charlotteville to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the intersection of the west boundary of the Township of Townsend and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the northerly prolongation of the

west limit of Lot 4 in Concession XIII of the Township of Townsend;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV of the Township of Townsend to its south boundary;

THENCE westerly following the boundaries between the Township of Townsend and the Town of Simcoe to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Townsend to the point of commencement;

THIRDLY, part of the Township of Windham, commencing at the intersection of the east boundary of the Township of Windham and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of the said road allowance to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of the road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE easterly along the south boundary of the Township of Windham to the boundary of the Town of Simcoe;

THENCE northeasterly following the boundaries between the Township of Windham and the Town of Simcoe to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Windham to the point of commencement;

FOURTHLY, part of the Township of Woodhouse, commencing at the intersection of the west boundary of the Township of Woodhouse and the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7

in the Gore of the said Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III, known as the Ireland Side Road;

THENCE northerly following the centre line of the Ireland Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE in a general northwesterly direction following the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE westerly along the north limit of the Township of Woodhouse to its northwest angle;

THENCE southerly along the west boundary of the Township of Woodhouse to the point of commencement;

- (f) The Corporation of the Township of Houghton, The Corporation of the Township of North Walsingham and The Corporation of the Village of Port Rowan are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norfolk and the portions of the townships of Middleton and South Walsingham, described as follows, are annexed to such township;

FIRSTLY, part of the Township of Middleton, commencing at the southwest angle of the Township of Middleton;

THENCE northerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the said Township;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE southerly, easterly and northerly following the boundaries between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE easterly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of the said main channel to the south boundary of the Township of Middleton;

THENCE westerly along the south boundary of the Township of Middleton to the point of commencement;

SECONDLY, part of the Township of South Walsingham, commencing at the northeast angle of the Township of South Walsingham;

THENCE southerly along the east boundary of the Township of South Walsingham to the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the said Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing the middle of said Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly along the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE southerly along the east boundary of the said Township and its prolongation to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to its intersection with the southerly prolongation of the west boundary of the Township of Walpole into Lake Erie;

THENCE southerly along the said prolongation, being along the east boundary of the Township of South Walsingham, to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southerly prolongation of the west boundary of the Township of South Walsingham;

THENCE northerly to and along the west boundary of the Township of South Walsingham to its north-west angle;

THENCE easterly along the north boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Rowan.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of April, 1974:

1. The Police Village of Canfield.
2. The Police Village of Fisherville.
3. The Police Village of St. Williams.
4. The Police Village of Selkirk.
5. The Police Village of Vittoria.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this

Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of April, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The Township of Delhi—except as may be provided under subsection 3, eleven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The City of Nanticoke—except as may be provided under subsection 3, twelve members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

3. The Town of Dunnville—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Haldimand—except as may be provided under subsection 3, seventeen members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and fifteen of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
5. The Town of Simcoe—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Norfolk—except as may be provided under subsection 3, eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and six of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 10th day of December or such other date not later than the 17th day of December as the Minister may by order prescribe and the first councils elected shall hold office for the year 1974, on and after the 1st day of April, and for the years 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipalities on the Regional Council,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members

of the council of the area municipality and of the Regional Council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

- (b) the Minister may by order provide for the qualification of candidates; and
- (c) the Minister shall by order,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality ^{Organization committee in 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year and until the 1st day of April, 1974, necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the ^{First election expenses} elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 1st day of January, 1974, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Haldimand-Norfolk".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
county for
judicial
purposes
R.S.O. 1970,
c. 230

(3) On and after the 1st day of April, 1974, each of the judicial districts of Haldimand and Norfolk, as described in subsection 4, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Haldimand
and Norfolk
judicial
district

(4) For judicial purposes, on and after the 1st day of April, 1974, the Regional Area is divided into two judicial districts as follows:

1. The Judicial District of Haldimand composed of all the area of the County of Haldimand as it existed on the 31st day of March, 1974.
2. The Judicial District of Norfolk composed of all the area of the County of Norfolk as it existed on the 31st day of March, 1974.

Registry
boundaries

(5) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
counties
deemed
appointments
for judicial
districts

(6) Every person who held an office or appointment under any Act on the 31st day of March, 1974, in and for the County of Haldimand or in and for the County of Norfolk shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of April, 1974, in and for the Judicial District of Haldimand or the Judicial District of Norfolk, as the case may be.

Referendum
re name of
Regional
Corporation

(7) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council to determine from between "Erie" and "Haldimand-Norfolk", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area; or
- (b) declare the name of the Regional Corporation to be The Regional Municipality of Erie, as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Haldimand-Norfolk shall be deemed to be references to The Regional Municipality of Erie and all ancillary references to Haldimand-Norfolk shall be deemed to be references to Erie.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty members composed of a chairman and, Composition of Regional Council

- (a) until the 31st day of March, 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) two members of the council of the area municipality of the Township of Delhi who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) three members of the council of the area municipality of the City of Nanticoke who have been elected as members of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Dunnville who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) two members of the council of the area municipality of the Town of Haldimand who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Simcoe who have been elected as

members of the Regional Council and of the council of such area municipality;

- (g) two members of the council of the area municipality of the Township of Norfolk who have been elected as members of the Regional Council and of the council of such area municipality.

Term of
office

- (2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1974, 1975 and 1976.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 1st day of December, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

Election of
chairman

- (2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

- (3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

- (4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting,
1974

10.—(1) The first meeting of the Regional Council in the year 1974 shall be held on or after the 1st day of January, 1974, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

(2) Notwithstanding any other general or special Act, ^{First meeting of area councils} the first meeting of the council of each area municipality in the year 1974 shall be held not later than the 9th day of April, 1974, and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after ^{First meeting of Regional Council} the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a ^{Certificate of qualification} member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional ^{Idem} Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

(6) The chairman, before taking his seat, shall take an ^{Oath of allegiance and declaration of qualification} oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all ^{Declaration of office} members who present themselves for that purpose. ^{R.S.O. 1970, c. 284}

(8) The Regional Council shall be deemed to be organized ^{When Council deemed organized} when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

11.—(1) Ten members of the Regional Council representing ^{Quorum, voting} all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

- One vote (2) Subject to subsection 3, each member of the Regional Council has one vote only.
- Chairman vote (3) The chairman does not have a vote except in the event of an equality of votes.
- Place of meeting **12.** Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints.
- Vacancies, chairman **13.—**(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.
- Idem (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council or any other person, to hold office for the remainder of the term of his predecessor.
- Idem (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.
- Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.
- Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law

shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of April, 1974, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of council}

(2) The Regional Council may by by-law appoint a chief administrative officer, who, ^{Chief administrative officer}

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. ^{Application of R.S.O. 1970, c. 284}

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of
R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession

or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land. Index of by-laws affecting land

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. Copies certified by clerk to be receivable in evidence

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council. Appointment of treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of the treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. Acting treasurer

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. ^{Monthly statement}

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. ^{Notice to sureties}

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. ^{Appointment of auditors}

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Minister may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the Regional Area that formerly comprised the County of Haldimand is a school division and The Haldimand County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division. ^{Part of Regional Area school division} ^{R.S.O. 1970, c. 425}

(2) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the ^{Idem}

Regional Area that formerly comprised part of the County of Norfolk is a school division and The Norfolk County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division.

R.S.O. 1970,
c. 425

Haldimand-
Norfolk
County
Roman
Catholic
Separate
School Board,
continued
R.S.O. 1970,
c. 430

(3) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, The Haldimand-Norfolk County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools Act*, as a county combined separate school board for the Regional Area.

School board
1974 election
expenses
1972, c. 95

28. Notwithstanding *The Municipal Elections Act, 1972*, the expenses of the area municipalities in respect of the elections in 1974 of members and trustees of the school boards referred to in section 27 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Commence-
ment

29. This Act comes into force on the day it receives Royal Assent.

Short title

30. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Haldimand-Norfolk, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Haldimand-Norfolk declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of
Haldimand-Norfolk

1st Reading

October 11th, 1973

2nd Reading

October 16th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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BILL 190

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Haldimand-Norfolk**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 190

1973

**An Act to establish
The Regional Municipality of
Haldimand-Norfolk**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) "chairman" means the chairman of the Regional Council;
- (c) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (d) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (e) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (f) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (g) "Municipal Board" means the Ontario Municipal Board;

(h) "Regional Area",

(i) until the 1st day of April, 1974, means,

A. the area included within the County of Haldimand, and

B. the area included within the County of Norfolk, except that portion of the Township of Middleton described as follows:

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement,

and

(ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

(i) "Regional Corporation" means, subject to subsection 6 of section 6, The Regional Municipality of Haldimand-Norfolk;

(j) "Regional Council" means the council of the Regional Corporation.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of April, 1974,

- (a) The portions of the townships of Charlotteville, Middleton, South Walsingham and Windham, described as follows, are annexed to The Corporation of the Town of Delhi to establish a township municipality bearing the name of The Corporation of the Township of Delhi.

FIRSTLY, part of the Township of Charlotteville, commencing at the intersection of the east boundary of the Township of Charlotteville and the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the road allowance between the said concessions to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the Township of Charlotteville;

THENCE westerly along the north boundary of the Township of Charlotteville to its northwest angle;

THENCE southerly along the west boundary of the Township of Charlotteville and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to the southerly prolongation of the east boundary of the Township of Charlotteville;

THENCE northerly to and along the east boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Middleton, commencing at the northeast angle of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road

and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of Big Creek to the south boundary of the Township of Middleton;

THENCE easterly along the south boundary of the Township of Middleton to its southeast angle;

THENCE northerly along the east boundary of the Township of Middleton to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Middleton and the Town of Delhi to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Middleton to the point of commencement;

THIRDLY, part of the Township of South Walsingham, commencing at the intersection of the east boundary of the Township of South Walsingham and the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly following the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE northerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the Township of Windham, commencing at the northeast angle of the Township of Windham;

THENCE southerly along the east boundary of the Township of Windham to the easterly prolongation of the centre line of road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of road allowance between the said concessions to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE westerly along the south boundary of the Township of Windham to its southwest angle;

THENCE northerly following the westerly boundary of the Township of Windham to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Windham and the Town of Delhi to the west boundary of the said Township of Windham;

THENCE northerly along the west boundary of the said Township to its northwest angle;

THENCE easterly along the north boundary of the Township of Windham to the point of commencement;

- (b) The Corporation of the Village of Jarvis, The Corporation of the Town of Port Dover and The Corporation of the Town of Waterford are amalgamated as a city municipality bearing the name of The Corporation of the City of Nanticoke and the portions of the townships of Rainham, Townsend, Walpole and Woodhouse described as follows, are annexed to such city:

FIRSTLY, part of the Township of Rainham, commencing at a point in the west boundary of the Township of Rainham where it intersects the limit between the north and south halves of Lot 1 in Concession II of the said Township;

THENCE easterly along the limit between the north and south halves of said Lot 1 being the north

limit of the lands of O. Hoover as described in Instrument Number 6966 to the east limit of said Lot 1;

THENCE southerly along the east limit of Lot 1 in concessions II and I in the said Township of Rainham to the north limit of the lands of V. and M. Hare, described in Instrument Number 83254;

THENCE westerly along the north limit of the said lands and the prolongation thereof to the west boundary of the Township of Rainham;

THENCE northerly along the west boundary of the Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the northwest angle of the Township of Townsend;

THENCE southerly along the west boundary of the Township of Townsend to the westerly prolongation of the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly to and along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 4 in Concession XIII of the said Township;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV to the south boundary of the said Township of Townsend;

THENCE easterly along the south boundary of the said Township to its southeast angle;

THENCE northerly along the east boundary of the Township of Townsend to its northeast angle;

THENCE northwesterly and westerly following the northern boundaries of the Township of Townsend to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Waterford.

THIRDLY, part of the Township of Walpole, commencing at the northwest angle of the Township of Walpole;

THENCE southeasterly along the northeast boundary of the Township of Walpole to the northerly boundary of the Village of Hagersville;

THENCE westerly and southerly following the boundaries between the Township of Walpole and the Village of Hagersville to an angle in the said Village being a point in the west limit of Lot 13 in Concession XIII;

THENCE southerly along the east limit of Lot 13 in concessions XIII, XII and XI of the Township of Walpole to the centre line of road allowance between concessions X and XI of the said Township;

THENCE easterly along the centre line of the said road allowance to the northeast boundary of the said Township of Walpole;

THENCE southeasterly and southerly along the easterly boundaries of the Township of Walpole to its southeast angle;

THENCE westerly along the south boundary of the Township of Walpole to its southwest angle;

THENCE northerly along the west boundary of the Township of Walpole to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Jarvis;

FOURTHLY, part of the Township of Woodhouse, commencing at the northeast angle of the Township of Woodhouse;

THENCE southerly along the east boundary of the Township of Woodhouse and its prolongation in accordance with *The Territorial Division Act*, R.S.O. 1970, chapter 458, to the middle of Long Point Bay;

THENCE westerly along the middle of the said bay to the southerly prolongation of the west boundary of the said Township of Woodhouse;

THENCE northerly to and along the west boundary of the Township of Woodhouse to the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7 in the Gore of the Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the centre line of the said road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III known as the Ireland Side Road;

THENCE northerly following the centre line of the said Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE northerly along the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE easterly along the north boundary of the Township of Woodhouse to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Port Dover;

- (c) The Corporation of the Township of Canborough, The Corporation of the Township of Dunn, The Corporation of the Town of Dunnville, The Corporation of the Township of Moulton and The Corporation of the Township of Sherbrooke are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dunnville;
- (d) The Corporation of the Town of Caledonia, The Corporation of the Village of Cayuga, The Corporation of the Village of Hagersville, The Corporation of the Township of North Cayuga, The Corporation of the Township of Oneida, The Corporation of the Township of Seneca and The Corporation of the Township of South Cayuga are amalgamated as a town municipality bearing the name of The Cor-

poration of the Town of Haldimand and the portions of the townships of Rainham and Walpole, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Rainham, commencing at the northerly angle of the Township of Rainham;

THENCE southeasterly along the northeast and easterly boundaries of the Township of Rainham to its southeast angle in Lake Erie;

THENCE westerly along the south boundary of the Township of Rainham to its southwest angle;

THENCE northerly along the west boundary of the Township of Rainham to the westerly prolongation of the north limit of the lands of V. and M. Hare, as described in Instrument Number 83254;

THENCE easterly to and along the last mentioned lands to the east limit of Lot 1 in Concession I of the said Township of Rainham;

THENCE northerly along the east limit of Lot 1 in concessions I and II to the limit between the north and south halves of Lot 1 in Concession II in the said Township of Rainham the said limit being the north limit of the lands of O. Hoover, as described in Instrument Number 6966;

THENCE westerly along the limit between the north and south halves of said Lot 1 to the west boundary of the said Township;

THENCE northerly along the west boundary of the said Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Walpole, commencing at a point in the northeast boundary of the Township of Walpole where it is intersected by the centre line of the road allowance between concessions X and XI of the said Township;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the east limit of Lot 13 in Concession XI of the Township of Walpole;

THENCE northerly to and along the east limit of Lot 13 in concessions XI, XII and XIII of the said Township of Walpole to an angle in the Village of Hagersville;

THENCE southerly and easterly following the boundaries between the Township of Walpole and the Village of Hagersville to the northeast boundary of the said Township of Walpole;

THENCE southeasterly along the northeast boundary of the said Township to the point of commencement;

- (e) The portions of the townships of Charlotteville, Townsend, Windham and Woodhouse, described as follows, are annexed to The Corporation of the Town of Simcoe;

FIRSTLY, part of the Township of Charlotteville, commencing at a point in the east boundary of the Township of Charlotteville where it intersects the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the said Township of Charlotteville;

THENCE easterly along the north boundary of the Township of Charlotteville to its northeast angle;

THENCE southerly along the east boundary of the Township of Charlotteville to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the intersection of the west boundary of the Township of Townsend and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the northerly prolongation of the

west limit of Lot 4 in Concession XIII of the Township of Townsend;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV of the Township of Townsend to its south boundary;

THENCE westerly following the boundaries between the Township of Townsend and the Town of Simcoe to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Townsend to the point of commencement;

THIRDLY, part of the Township of Windham, commencing at the intersection of the east boundary of the Township of Windham and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of the said road allowance to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of the road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE easterly along the south boundary of the Township of Windham to the boundary of the Town of Simcoe;

THENCE northeasterly following the boundaries between the Township of Windham and the Town of Simcoe to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Windham to the point of commencement;

FOURTHLY, part of the Township of Woodhouse, commencing at the intersection of the west boundary of the Township of Woodhouse and the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7

in the Gore of the said Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III, known as the Ireland Side Road;

THENCE northerly following the centre line of the Ireland Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE in a general northwesterly direction following the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE westerly along the north limit of the Township of Woodhouse to its northwest angle;

THENCE southerly along the west boundary of the Township of Woodhouse to the point of commencement;

- (f) The Corporation of the Township of Houghton, The Corporation of the Township of North Walsingham and The Corporation of the Village of Port Rowan are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norfolk and the portions of the townships of Middleton and South Walsingham, described as follows, are annexed to such township;

FIRSTLY, part of the Township of Middleton, commencing at the southwest angle of the Township of Middleton;

THENCE northerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the said Township;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE southerly, easterly and northerly following the boundaries between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE easterly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of the said main channel to the south boundary of the Township of Middleton;

THENCE westerly along the south boundary of the Township of Middleton to the point of commencement;

SECONDLY, part of the Township of South Walsingham, commencing at the northeast angle of the Township of South Walsingham;

THENCE southerly along the east boundary of the Township of South Walsingham to the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the said Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing the middle of said Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly along the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE southerly along the east boundary of the said Township and its prolongation to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to its intersection with the southerly prolongation of the west boundary of the Township of Walpole into Lake Erie;

THENCE southerly along the said prolongation, being along the east boundary of the Township of South Walsingham, to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southerly prolongation of the west boundary of the Township of South Walsingham;

THENCE northerly to and along the west boundary of the Township of South Walsingham to its north-west angle;

THENCE easterly along the north boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Rowan.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of April, 1974:

1. The Police Village of Canfield.
2. The Police Village of Fisherville.
3. The Police Village of St. Williams.
4. The Police Village of Selkirk.
5. The Police Village of Vittoria.

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this

Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among a maximum of three names designated by the Minister, which name the area municipality shall bear and following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b* all reference to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of April, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The Township of Delhi—except as may be provided under subsection 3, eleven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The City of Nanticoke—except as may be provided under subsection 3, twelve members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

3. The Town of Dunnville—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Haldimand—except as may be provided under subsection 3, seventeen members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and fifteen of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
5. The Town of Simcoe—except as may be provided under subsection 3, nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Norfolk—except as may be provided under subsection 3, eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and six of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

First
elections
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 10th day of December or such other date not later than the 17th day of December as the Minister may by order prescribe and the first councils elected shall hold office for the year 1974, on and after the 1st day of April, and for the years 1975 and 1976.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities and members thereof to represent the area municipalities on the Regional Council,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members

of the council of the area municipality and of the Regional Council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order provide for the qualification of candidates; and

(c) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of 1972, c. 95} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality ^{Organization committee in 1973} elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year and until the 1st day of April, 1974, necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the ^{First election expenses} elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

6.—(1) On the 1st day of January, 1974, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Haldimand-Norfolk".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
county for
judicial
purposes
R.S.O. 1970,
c. 230

(3) On and after the 1st day of April, 1974, each of the judicial districts of Haldimand and Norfolk, as described in subsection 4, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

Haldimand
and Norfolk
judicial
district

(4) For judicial purposes, on and after the 1st day of April, 1974, the Regional Area is divided into two judicial districts as follows:

1. The Judicial District of Haldimand composed of all the area of the County of Haldimand as it existed on the 31st day of March, 1974.
2. The Judicial District of Norfolk composed of all the area of the County of Norfolk as it existed on the 31st day of March, 1974.

Registry
boundaries

(5) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
counties
deemed
appointments
for judicial
districts

(6) Every person who held an office or appointment under any Act on the 31st day of March, 1974, in and for the County of Haldimand or in and for the County of Norfolk shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of April, 1974, in and for the Judicial District of Haldimand or the Judicial District of Norfolk, as the case may be.

Referendum
re name of
Regional
Corporation

(7) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council to determine from between "Erie" and "Haldimand-Norfolk", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area; or
- (b) declare the name of the Regional Corporation to be The Regional Municipality of Erie, as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Haldimand-Norfolk shall be deemed to be references to The Regional Municipality of Erie and all ancillary references to Haldimand-Norfolk shall be deemed to be references to Erie.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of twenty members composed of a chairman and, Composition of Regional Council

- (a) until the 31st day of March, 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) two members of the council of the area municipality of the Township of Delhi who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) three members of the council of the area municipality of the City of Nanticoke who have been elected as members of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Dunnville who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) two members of the council of the area municipality of the Town of Haldimand who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Simcoe who have been elected as

members of the Regional Council and of the council of such area municipality;

- (g) two members of the council of the area municipality of the Township of Norfolk who have been elected as members of the Regional Council and of the council of such area municipality.

Term of
office

(2) The members elected to the Regional Council in the year 1973 shall hold office for the years 1974, 1975 and 1976.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 1st day of December, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting,
1974

10.—(1) The first meeting of the Regional Council in the year 1974 shall be held on or after the 1st day of January, 1974, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place and shall preside at the meeting.

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 shall be held not later than the 9th day of April, 1974, and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January. First meeting of area councils

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When Council deemed organized

11.—(1) Ten members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

- One vote (2) Subject to subsection 3, each member of the Regional Council has one vote only.
- Chairman vote (3) The chairman does not have a vote except in the event of an equality of votes.
- Place of meeting **12.** Subject to section 10, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints.
- Vacancies, chairman **13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.
- Idem (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council or any other person, to hold office for the remainder of the term of his predecessor.
- Idem (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.
- Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.
- Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law

shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of April, 1974, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of council}

(2) The Regional Council may by by-law appoint a chief administrative officer, who, ^{Chief administrative officer}

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. ^{Application of R.S.O. 1970, c. 284}

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of
R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk, whose duty it is,

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession

or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Index of
by-laws
affecting
land

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies
certified
by clerk
to be
receivable
in evidence

22.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Appointment
of
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy
treasurer

(3) When the office of the treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Acting
treasurer

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and
disbursement
of money

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. ^{Monthly statement}

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. ^{Notice to sureties}

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. ^{Appointment of auditors}

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Minister may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the Regional Area that formerly comprised the County of Haldimand is a school division and The Haldimand County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division. ^{Part of Regional Area school division} R.S.O. 1970, c. 425

(2) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the ^{Idem}

R.S.O. 1970,
c. 425

Regional Area that formerly comprised part of the County of Norfolk is a school division and The Norfolk County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for such school division.

Haldimand-
Norfolk
County
Roman
Catholic
Separate
School Board,
continued
R.S.O. 1970,
c. 430

(3) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, The Haldimand-Norfolk County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools Act*, as a county combined separate school board for the Regional Area.

School board
1974 election
expenses
1972, c. 95

28. Notwithstanding *The Municipal Elections Act, 1972*, the expenses of the area municipalities in respect of the elections in 1974 of members and trustees of the school boards referred to in section 27 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Commence-
ment

29. This Act comes into force on the day it receives Royal Assent.

Short title

30. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Haldimand-Norfolk, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Haldimand-Norfolk declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of
Haldimand-Norfolk

1st Reading

October 11th, 1973

2nd Reading

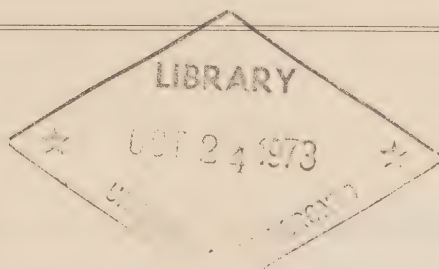
October 16th, 1973

3rd Reading

October 16th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Income Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

This Bill continues for the 1974 taxation year the rate of Ontario income tax applicable since the 1972 taxation year. The Bill also introduces two new tax credits for the 1973 taxation year that will reduce the Ontario income tax payable by many Ontario residents.

SECTION 1. This amendment provides for the continuation in the 1974 taxation year of the Ontario income tax rate of 30.5 per cent.

SECTION 2 Subsection 1. This amendment provides that foreign military personnel and their families are excluded from the definition of a principal taxpayer eligible to claim a property tax credit.

Subsection 2. This amendment permits the deduction from Ontario income tax of tax credits based on rent or municipal tax paid for occupation of property in Ontario and on the amount of personal exemptions that an individual claims in computing his personal income tax. In addition, a tax credit of \$100 is permitted to principal taxpayers aged sixty-five years and over and to spouses aged sixty-five years and over of principal taxpayers who are under age sixty-five.

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, s. 3 (3) (*h*),
being chapter 217 of the Revised Statutes of Ontario, 1970,
as re-enacted by the Statutes of Ontario, 1972, chapter 146,
section 1, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972, 1973 and 1974
taxation years.

- 2.—(1) Clause *f* of subsection 1 of section 6*b* of the said Act, s. 6*b* (1) (*f*),
as re-enacted by the Statutes of Ontario, 1973, chapter
21, section 2, is amended by striking out “or” at the
end of subclause ii, by inserting “or” at the end of
subclause iii and by adding thereto the following subclause:

(iv) an individual, or a member of the family
of such individual, on active military service
as a member of the armed forces of a country
other than Canada and was not a Canadian
citizen.

- (2) Subsection 2 of the said section 6*b*, as re-enacted by s. 6*b* (2),
the Statutes of Ontario, 1972, chapter 146, section 2,
is repealed and the following substituted therefor:

(2) Every individual resident in Ontario on the last day
of the taxation year may deduct from the tax otherwise
payable by him under this Act the amount not in excess of
\$400 by which the aggregate of the tax credits that are
described in clauses *a*, *b* and *c* and to which he is entitled
exceeds 1 per cent of his taxable income for the taxation
year,

(a) where the individual is a principal taxpayer, a tax credit equal to the sum of,

(i) the lesser of his occupancy cost for the taxation year or \$90, and

(ii) an amount equal to 10 per cent of his occupancy cost for the taxation year;

(b) a tax credit of an amount equal to 1 per cent of the total of those deductions that are authorized by section 109 of the Federal Act or by paragraphs *e*, *e.1*, *g* and *h* of subsection 1 of section 110 of that Act and that have been claimed by the individual entitled to claim them in his return filed in accordance with the Federal Act, but the tax credit described in this clause may not be claimed by an individual,

(i) who, on the last day of the taxation year, is an individual described in subclause i, iii or iv of clause *f* of subsection 1, or

(ii) with respect to whom any other taxpayer resident in Ontario on the last day of the taxation year has, in computing his taxable income under the Federal Act, claimed in his return filed in accordance with that Act a deduction authorized by paragraph *a*, *b*, *d*, *e*, *f* or *g* of subsection 1 of section 109 of that Act for any portion of the taxation year,

and

(c) a tax credit of \$100 where the individual is sixty-five years of age or older on the last day of the taxation year and is either,

(i) a principal taxpayer, or

(ii) the spouse of a principal taxpayer who is not sixty-five years of age or older on the last day of the taxation year.

s. 6*b* (5),
amended

(3) Subsection 5 of the said section 6*b*, as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2, is amended by striking out "a principal taxpayer" in the first and second lines and inserting in lieu thereof "an individual", and by striking out "principal taxpayer" in the sixth and seventh lines, in the eleventh line, in the fourteenth and fifteenth lines, and in the eighteenth line and inserting in lieu thereof in each instance "individual".

Subsection 3. The amendment is consequential on the amendments made in subsection 2.

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}

(2) Section 2 shall be deemed to have come into force on the ^{Idem} 1st day of January, 1973 and applies to the 1973 and subsequent taxation years.

4. This Act may be cited as *The Income Tax Amendment Act*, ^{Short title} 1973 (No. 2).

An Act to amend
The Income Tax Act

1st Reading

October 11th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

XB

-B56

BILL 191

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Income Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3 (3) (h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 1, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972, 1973 and 1974 taxation years.

- 2.—(1) Clause *f* of subsection 1 of section 6*b* of the said Act, ^{s. 6*b* (1) (f), amended} as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2, is amended by striking out “or” at the end of subclause ii, by inserting “or” at the end of subclause iii and by adding thereto the following subclause:

(iv) an individual, or a member of the family of such individual, on active military service as a member of the armed forces of a country other than Canada and was not a Canadian citizen.

- (2) Subsection 2 of the said section 6*b*, as re-enacted by ^{s. 6*b* (2), re-enacted} the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:

(2) Every individual resident in Ontario on the last day ^{Tax Credits} of the taxation year may deduct from the tax otherwise payable by him under this Act the amount not in excess of \$400 by which the aggregate of the tax credits that are described in clauses *a*, *b* and *c* and to which he is entitled exceeds 1 per cent of his taxable income for the taxation year,

- (a) where the individual is a principal taxpayer, a tax credit equal to the sum of,
 - (i) the lesser of his occupancy cost for the taxation year or \$90, and
 - (ii) an amount equal to 10 per cent of his occupancy cost for the taxation year;
 - (b) a tax credit of an amount equal to 1 per cent of the total of those deductions that are authorized by section 109 of the Federal Act or by paragraphs *e*, *e.1*, *g* and *h* of subsection 1 of section 110 of that Act and that have been claimed by the individual entitled to claim them in his return filed in accordance with the Federal Act, but the tax credit described in this clause may not be claimed by an individual,
 - (i) who, on the last day of the taxation year, is an individual described in subclause i, iii or iv of clause *f* of subsection 1, or
 - (ii) with respect to whom any other taxpayer resident in Ontario on the last day of the taxation year has, in computing his taxable income under the Federal Act, claimed in his return filed in accordance with that Act a deduction authorized by paragraph *a*, *b*, *d*, *e*, *f* or *g* of subsection 1 of section 109 of that Act for any portion of the taxation year,
- and
- (c) a tax credit of \$100 where the individual is sixty-five years of age or older on the last day of the taxation year and is either,
 - (i) a principal taxpayer, or
 - (ii) the spouse of a principal taxpayer who is not sixty-five years of age or older on the last day of the taxation year.

s. 6b (5),
amended

- (3) Subsection 5 of the said section 6b, as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2, is amended by striking out "a principal taxpayer" in the first and second lines and inserting in lieu thereof "an individual", and by striking out "principal taxpayer" in the sixth and seventh lines, in the eleventh line, in the fourteenth and fifteenth lines, and in the eighteenth line and inserting in lieu thereof in each instance "individual".

- 3.**—(1) This Act, except section 2, comes into force on the day it ^{Commence-}receives Royal Assent.
 (2) Section 2 shall be deemed to have come into force on the ^{Idem}1st day of January, 1973 and applies to the 1973 and subsequent taxation years.
- 4.** This Act may be cited as *The Income Tax Amendment Act*, ^{Short title}1973 (No. 2).

An Act to amend
The Income Tax Act

1st Reading

October 11th, 1973

2nd Reading

December 5th, 1973

3rd Reading

December 12th, 1973

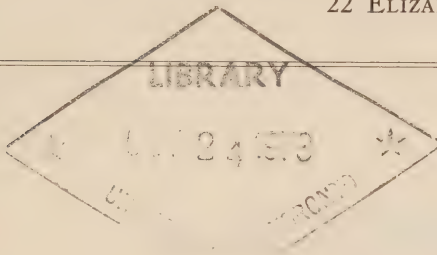
THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N
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-B56

BILL 192

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Protection of Cattle Act

THE HON. W. A. STEWART
Minister of Agriculture and Food

EXPLANATORY NOTE

The sections proposed to be repealed are obsolete.

BILL 192

1973

**An Act to amend
The Protection of Cattle Act**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Sections 3, 4 and 5 of *The Protection of Cattle Act*, being ss. 3-5,
chapter 294 of the Revised Statutes of Ontario, 1950, are ^{repealed}
repealed.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Protection of Cattle Amendment* ^{Short title}
Act, 1973.

An Act to amend
The Protection of Cattle Act

1st Reading

October 11th, 1973

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N

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-B56

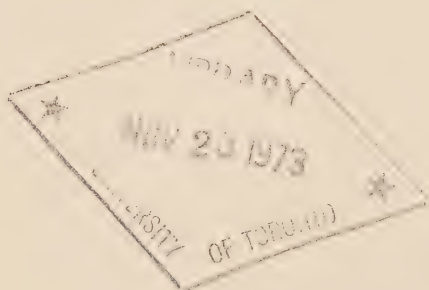
BILL 192

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Protection of Cattle Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 192

1973

**An Act to amend
The Protection of Cattle Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 3, 4 and 5 of *The Protection of Cattle Act*, being ss. 3-5, chapter 294 of the Revised Statutes of Ontario, 1950, are ^{repealed} repealed.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Protection of Cattle Amendment Act, 1973*. ^{Short title}

An Act to amend
The Protection of Cattle Act

1st Reading

October 11th, 1973

2nd Reading

October 30th, 1973

3rd Reading

October 30th, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

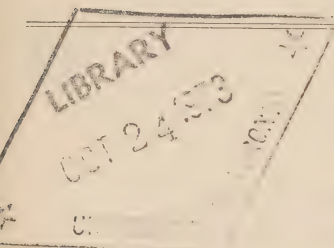
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-B56

Government
Publication

BILL 193

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



**An Act to amend
The Hunter Damage Compensation Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Self-explanatory.

BILL 193

1973

**An Act to amend
The Hunter Damage Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hunter Damage Compensation Act*, being ^{s. 2,} chapter 215 of the Revised Statutes of Ontario, 1970, is amended ^{amended} by adding thereto the following subsection:

(2) Every agricultural representative and assistant agricultural representative is *ex officio* a valuer for the purposes <sup>Representa-
tives *ex officio*
valuers</sup> of this Act.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Hunter Damage Compensation* ^{Short title} *Amendment Act, 1973.*

An Act to amend
The Hunter Damage Compensation
Act

1st Reading

October 11th, 1973

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N

X3

-B 56

BILL 193

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Hunter Damage Compensation Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 193

1973

**An Act to amend
The Hunter Damage Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Hunter Damage Compensation Act*, being ^{s. 2,} chapter 215 of the Revised Statutes of Ontario, 1970, is amended ^{amended} by adding thereto the following subsection:

(2) Every agricultural representative and assistant agricultural representative is *ex officio* a valuer for the purposes <sup>Representa-
tives *ex officio*
valuers</sup> of this Act.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Hunter Damage Compensation* ^{Short title} *Amendment Act, 1973.*

An Act to amend
The Hunter Damage Compensation
Act

1st Reading

October 11th, 1973

2nd Reading

October 30th, 1973

3rd Reading

October 30th, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N

XB

-B56

BILL 195

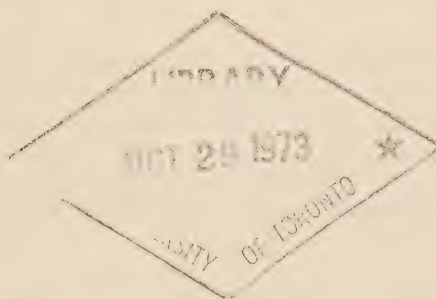
Government Bill

GOVERNMENT
PUBLICATION

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Agricultural Representatives Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

1. The purpose of the amendment is to clarify the manner of appointment of agricultural representatives and assistant agricultural representatives.
2. Section 3 of the Act is amended to extend the operation of the section to assistant agricultural representatives.

BILL 195

1973

An Act to amend The Agricultural Representatives Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 and 2 of *The Agricultural Representatives Act*, being chapter 13 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1,
re-enacted
s. 2,
repealed

1. In this Act,

Interpre-
tation

- (a) "agricultural representative" means a person appointed under *The Public Service Act* to carry out the duties of agricultural representatives for a county, provisional county, district municipality, regional municipality or territorial district in Ontario; R.S.O. 1970,
c. 386
- (b) "assistant agricultural representative" means a person appointed under *The Public Service Act* to assist an agricultural representative in the carrying out of his duties.

2. Section 3 of the said Act is repealed and the following substituted therefor: s. 3,
re-enacted

3. The agricultural representatives and assistant agricultural representatives shall perform such duties as the Minister of Agriculture and Food, or such officer of the Ministry of Agriculture and Food as he may designate, may from time to time direct, and any moneys appropriated by the Legislature for the purposes of this Act shall be expended subject to such direction. Duties
and
expenditure

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Agricultural Representatives Amendment Act, 1973*. Short
title

An Act to amend
The Agricultural Representatives Act

1st Reading

October 12th, 1973

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N
XB
-B 56

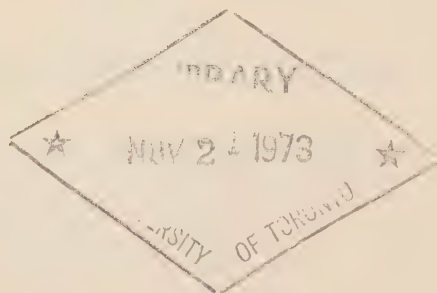
BILL 195

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Agricultural Representatives Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



BILL 195

1973

An Act to amend The Agricultural Representatives Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 and 2 of *The Agricultural Representatives Act*, being chapter 13 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "agricultural representative" means a person appointed under *The Public Service Act* to carry out the duties of agricultural representatives for a county, provisional county, district municipality, regional municipality or territorial district in Ontario;
- (b) "assistant agricultural representative" means a person appointed under *The Public Service Act* to assist an agricultural representative in the carrying out of his duties.

R.S.O. 1970,
c. 386

2. Section 3 of the said Act is repealed and the following substituted therefor:

s. 3,
re-enacted

3. The agricultural representatives and assistant agricultural representatives shall perform such duties as the Minister of Agriculture and Food, or such officer of the Ministry of Agriculture and Food as he may designate, may from time to time direct, and any moneys appropriated by the Legislature for the purposes of this Act shall be expended subject to such direction.

Duties
and
expenditure

3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Agricultural Representatives Amendment Act, 1973*.

Commence-
ment

Short
title

An Act to amend
The Agricultural Representatives Act

1st Reading

October 12th, 1973

2nd Reading

October 30th, 1973

3rd Reading

October 30th, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N
XB
-B56

Government
Publication

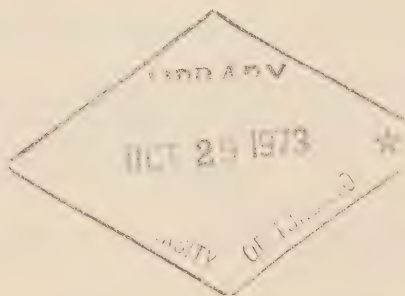
BILL 196

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to provide Assistance to Ontario Pensioners

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

This Act provides for a payment of \$50 to be made to each pensioner resident in Ontario who is in receipt of a guaranteed income supplement under the Old Age Security Act of Canada.

BILL 196

1973

An Act to provide Assistance to Ontario Pensioners

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Treasurer" means the Treasurer of Ontario ^{Interpre-} and Minister of Economics and Intergovernmental Affairs. ^{tation}

2. In each year, including the year 1973, the Treasurer ^{Assistance} shall pay the sum of \$50 to each person whose principal ^{to certain} place of residence is in Ontario and who is entitled, on any pensioners date prescribed by the Treasurer, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.C. 1970,
c. O-6

3. The Treasurer may make regulations, Regu-
lations

(a) prescribing the date or dates for the purposes of section 2;

(b) generally for the administration of this Act.

4. The moneys required for the purposes of this Act shall, ^{Moneys} until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The Ontario Pensioners* ^{Short title} *Assistance Act, 1973*.

An Act to provide Assistance
to Ontario Pensioners

1st Reading

October 12th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

On CA20N
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-B 56

BILL 196

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to provide Assistance to Ontario Pensioners

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 196

1973

An Act to provide Assistance to Ontario Pensioners

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. Interpre-
tation
2. In each year, including the year 1973, the Treasurer shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Treasurer, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). Assistance
to certain
pensioners

R.S.C. 1970,
c. O-6
3. The Treasurer may make regulations, Regu-
lations
 - (a) prescribing the date or dates for the purposes of section 2;
 - (b) generally for the administration of this Act.
4. The moneys required for the purposes of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys
5. This Act comes into force on the day it receives Royal Assent. Commence-
ment
6. This Act may be cited as *The Ontario Pensioners Assistance Act, 1973*. Short title

An Act to provide Assistance
to Ontario Pensioners

1st Reading

October 12th, 1973

2nd Reading

November 28th, 1973

3rd Reading

November 29th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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Government
Publications

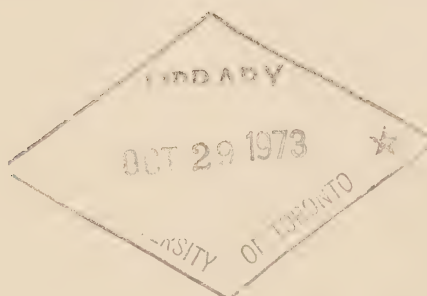
BILL 197

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Employment Standards Act

MR. DREA



EXPLANATORY NOTE

Self-explanatory.

BILL 197

1973

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 36 of *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(f) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof, except an employee whose employment is directly related to the primary production of fruit, vegetables or tobacco and whose employment does not exceed a total of twenty-two weeks in a calendar year.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Employment Standards Amendment Act, 1973*.

s. 36 (1) (f),
re-enacted

Commence-
ment

Short title

An Act to amend
The Employment Standards Act

1st Reading

October 12th, 1973

2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

CA20N

XB

-B56

BILL 198

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Corporations Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The Part repealed provides for co-operative corporations and will be superseded by *The Co-operative Corporations Act, 1973*.

SECTION 2. The amendment permits farm fire mutual insurance corporations to add weather insurance to their coverage.

BILL 198

1973

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Part V of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, is repealed. Part V, (ss. 141-159), repealed
- (2) Any reference in any statute, regulation or order to Part V of *The Corporations Act* or any provision thereof shall be deemed to be a reference to *The Co-operative Corporations Act, 1973* or the corresponding provision thereof. References to Part V 1973, c. ...
2. Subsection 13 of section 169 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2, is amended by striking out “and” at the end of clause *c*, by adding “and” at the end of clause *d* and by adding thereto the following clause: s. 169 (13), amended
 - (e) undertake contracts of weather insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire. R.S.O. 1970, c. 224
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
4. This Act may be cited as *The Corporations Amendment Act, 1973*. Short title

An Act to amend
The Corporations Act

1st Reading

October 15th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N

XB

-B 56

Government
Publications

BILL 198

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Corporations Act



THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 198

1973

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Part V of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, is repealed. Part V,
(ss. 141-159),
repealed
- (2) Any reference in any statute, regulation or order to Part V of *The Corporations Act* or any provision thereof shall be deemed to be a reference to *The Co-operative Corporations Act, 1973* or the corresponding provision thereof. References
to Part V
1973, c. ...
2. Subsection 13 of section 169 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2, is amended by striking out “and” at the end of clause *c*, by adding “and” at the end of clause *d* and by adding thereto the following clause:
 - (e) undertake contracts of weather insurance as defined for the purposes of *The Insurance Act* in the case of persons whose property it insures against fire. s. 169 (13),
amended
R.S.O. 1970,
c. 224
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
4. This Act may be cited as *The Corporations Amendment Act, 1973*. Short title

An Act to amend
The Corporations Act

1st Reading

October 15th, 1973

2nd Reading

October 22nd, 1973

3rd Reading

October 30th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CA20N

XB

-B 56

BILL 199

Private Member's Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to incorporate
The Detroit River Parkway Commission**

MR. PATERSON



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the establishment of The Detroit River Parkway Commission.

BILL 199

1973

An Act to incorporate The Detroit River Parkway Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means The Detroit River Parkway Commission established by this Act;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "Parks" means all land in the City of Windsor, towns of Amherstburg, Harrow, Kingsville and Leamington, and townships of Anderdon, Colchester South, Gosfield South, Malden, Mersea and Sandwich West.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Detroit River Parkway Commission, consisting of not more than nine members being,

Commission
established

- (a) three persons from the towns of Amherstburg, Harrow, Kingsville and Leamington, and townships of Anderdon, Colchester South, Gosfield South, Malden, Mersea and Sandwich West;
- (b) two persons appointed semi-annually by the council of the City of Windsor;
- (c) not more than four persons appointed by the Lieutenant Governor in Council for terms of not more than four years.

(2) The Lieutenant Governor in Council shall designate one member as chairman and shall designate two members as vice-chairmen.

Chairman
and vice-
chairmen

Remuneration

(3) The chairman, the vice-chairmen and the other members of the Commission may be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Acting chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman or such member of the Commission as the Commission designates for such purpose shall act as and have all the powers of the chairman.

Vacancies

(5) Where a vacancy occurs on the Commission, the body that made the appointment of the member whose office is vacant may appoint a member to hold office for the remainder of the term of his predecessor.

Members of Assembly
R.S.O. 1970,
c. 240,

(6) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and is entitled to act as such and receive remuneration therefor without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

Members of council
R.S.O. 1970,
c. 284

(7) Subsection 1 of section 36 of *The Municipal Act* does not apply to a member of a municipal council by reason only of his being a member of the Commission or of his being entitled to or receiving remuneration as a member of the Commission.

Quorum

(8) The powers of the Commission may be exercised by a majority of the members.

Executive committee

3.—(1) The chairman and two vice-chairmen shall be the chief executive officers of the Commission and shall constitute an executive committee which shall be charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, except the making of by-laws, and may, subject to any by-law, delegate such powers as it sees fit to any of the other members of the Commission.

Absence of chairman

(2) During the incapacity or absence for any reason of the chairman or during a vacancy in the office of the chairman, the first vice-chairman, or in his incapacity or absence the second vice-chairman, may exercise and perform all the powers and functions of the chairman.

Quorum

(3) The powers of the executive committee may be exercised by a majority of them.

4.—(1) The Lieutenant Governor in Council may appoint ^{Staff} such officers, clerks or other employees as may be necessary for the purposes of the Commission and shall fix their salaries, wages or other remuneration.

(2) All such officers, clerks or other employees so appointed ^{Idem} shall be subject to *The Public Service Act* and shall be civil ^{R.S.O. 1970, c. 386} servants within the meaning of that Act.

5.—(1) It is the duty of the Commission to develop, con- ^{General powers and duties} trol, manage, operate and maintain the Parks and for the purposes of carrying out such duty the Commission has power,

- (a) to make such by-laws, rules and orders as may be deemed expedient for the constitution of the Commission and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational facilities, restaurants, refreshment booths, stands for the sale of souvenirs and other wares, shops, sanitary and toilet facilities, buses and other vehicles for use in connection with the Parks, boats and boat lines, camp sites and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of the Parks;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (d) to operate and maintain a school for the training of apprentice gardeners;
- (e) to receive and take from any person by grant, gift, devise, bequest or otherwise any property real or personal or any interest therein.

(2) It is the duty of the Commission to investigate and ^{General power to investigate matters upon request of Minister, municipality or inhabitant} inquire into any matter or subject affecting or incidental to the welfare of the municipalities of the City of Windsor, towns of Amherstburg, Harrow, Kingsville and Leamington, and townships of Anderdon, Colchester South, Gosfield South, Malden, Mersea and Sandwich West, or any of them, or the inhabitants thereof as may be referred to the Commission by a member of the Executive Council or any such municipality or inhabitant, and the Commission may report thereon to such member, municipality or inhabitant or any of them.

Qualified
powers

6. With the approval of the Lieutenant Governor in Council, the Commission has power to acquire by purchase, lease or otherwise and with or without the consent of the owner enter upon, take and expropriate and sell or otherwise dispose of any land or any interest in land.

Expropria-
tion

1973, c. 2

7.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Ministry of Government Services Act, 1973* on the Minister of Government Services in relation to a public work, and in the application of this section where the words "the Minister", "the Ministry" or "the Crown" appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario.

Procedure

(2) The Commission shall proceed in the manner provided by *The Ministry of Government Services Act, 1973* where the Minister of Government Services enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Vesting
of land

(3) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission.

Highways

8.—(1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over it.

Idem

(2) The Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including, subject to subsection 3, the cost or the apportionment of the cost of the same and the payment thereof.

Compensa-
tion

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the municipality entering into the agreement.

9.—(1) The Lieutenant Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled-access highway. Controlled-access highways

(2) The Lieutenant Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled-access highways under *The Public Transportation and Highway Improvement Act*. Idem
R.S.O. 1970, c. 201

10.—(1) The Commission may enter into agreement with any municipality within which any lands of the Commission are situate or that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act* for the cost of any such work, whether the lands abut directly on the work or otherwise. Local improvement works
R.S.O. 1970, c. 255

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement. Idem

11. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books. Books of account

12. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. Security by officers
R.S.O. 1970, c. 382

13. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates. Audit

14.—(1) The Commission shall make a report annually to the Minister containing such information as the Minister may require. Annual report

Idem

(2) A copy of the report shall be filed with the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session.

Regulations

15.—(1) The Commission, with the approval of the Lieutenant Governor in Council, may make regulations,

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, recreational facilities and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
- (h) licensing, regulating and governing guides and prescribing fees for such licences;
- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing penalties not exceeding \$100 for any breach of any regulation;

(k) for such other purposes and objects as are deemed necessary for the carrying out of this Act.

(2) Any offence against any regulation made under this Act is punishable under *The Summary Convictions Act* and the penalty for any such offence is payable to the Treasurer of Ontario. ^{Offences R.S.O. 1970, c. 450}

16. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. ^{Rights of interment not affected}

17. *The Corporations Act* does not apply to the Commission. ^{R.S.O. 1970, c. 89 not applicable}

18. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

19. This Act may be cited as *The Detroit River Parkway Commission Act, 1973*. ^{Short title}

An Act to incorporate
The Detroit River Parkway Commission

1st Reading

October 15th, 1973

2nd Reading

3rd Reading

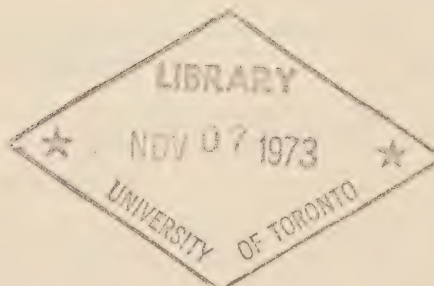
MR. PATERSON

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Pension Benefits Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definition of "employer" is shortened with no change in meaning.

SECTION 2. The functions of the Commission are amended to make specific reference to cancellation of pension plans being improperly administered. The amendment to clause *e* is complementary to section 3 of this Bill.

An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1) (d),
re-enacted

(d) "employer" means, in relation to an employee, any person or association from whom the employee receives his remuneration, and includes Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof. R.S.O. 1970,
c. 118

2. Clauses *c* and *e* of subsection 1 of section 10 of the said Act are s. 10 (1) (c, e),
re-enacted repealed and the following substituted therefor:

(c) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of any pension plans,

(i) that fail to meet the tests for solvency prescribed by the regulations, or

(ii) in respect of which the employer or the plan administrator has failed to comply with this Act or the regulations, or

(iii) that are not being administered according to a contractual provision required by this Act or the regulations;

(e) to assess and collect fees for the registration and annual supervision of pension plans; and

s. 11,
amended

- 3.** Section 11 of the said Act is amended by striking out “in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 29” in the second and third lines.

s. 21,
amended

- 4.** Section 21 of the said Act is amended by adding thereto the following subsection:

Benefit
not to be
less than
contribu-
tions

(11) Notwithstanding any provision of this section and any provision of a pension plan, where,

(a) any employee is entitled upon termination of his employment or upon termination of his membership in a pension plan to a deferred or immediate pension benefit; and

(b) on the date of termination of his employment or termination of his membership in a pension plan, his pension benefit credit is less than the value of his contributions made to the plan towards such pension benefit,

his pension benefit credit shall be increased to an amount not less than the said value of his contributions.

s. 22 (1) (b),
repealed

- 5.** Clause *b* of subsection 1 of section 22 of the said Act is repealed.

ss. 23a, 23b,
enacted

- 6.** The said Act is amended by adding thereto the following sections:

Employee's
payments
held in
trust

23a.—(1) Any sum received by an employer from an employee pursuant to an arrangement for the payment of such sum by the employer into a pension plan as the employee's contribution thereto shall be deemed to be held by the employer in trust for payment of the same after his receipt thereof into the pension plan as the employee's contribution thereto and the employer shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Idem:
payroll
deductions

(2) For the purposes of subsection 1, any sum withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be a sum received by the employer from the employee.

Employer's
contribu-
tions held
in trust

(3) Any sum required to be paid into a pension plan by an employer as the employer's contribution to the plan shall, when due under the plan, be deemed to be held by the employer in trust for payment of the same into the plan in accordance with the plan and this Act and the regulations as the employer's

SECTION 3. The result of the amendment is to require the revenues of the Commission to be paid into the Consolidated Revenue Fund. At present the Commission retains its fees and fines for direct application to its own purposes.

SECTION 4. The amendment insures that benefits will not be less than the contributions.

SECTION 5. The provision repealed requires a pension plan filed for registration to contractually provide that the benefits or deferred life annuity under the plan are not assignable.

SECTION 6. The new section 23*a* provides that the contributions by employees and employers while held by the employer are held by him in trust for payment into the plan.

The new section 23*b* provides for the dissemination of information respecting the plan to members and eligible employees.

SECTION 7. The new provision provides for the continuation of benefits even though the employer sells his business.

contribution and the employer shall not appropriate or convert any part of the amount required to be paid to the fund to his own use or to any use not authorized by the terms of the pension plan.

23b.—(1) Every employer shall provide to each employee who is eligible or required to become a member of a registered pension plan, with reference to the benefits available to him under the terms of the plan, ^{Distribution of information to employees}

- (a) a written explanation of the terms and conditions of the plan applicable to him;
- (b) a written explanation of the rights and duties of the employee; and
- (c) such other information as may be prescribed by the regulations,

on or before the date such employee is eligible or required to become a member.

(2) Before the 1st day of July, 1974, every employer shall have provided the explanation and information mentioned in subsection 1 including an explanation and information respecting any amendments made to the plan which affect the members of the plan to each member of the plan and to each eligible employee. ^{Idem}

(3) Within six months after a pension plan is established, every employer shall provide the explanation and information referred to in subsection 1 respecting the plan to each member of the plan and to each eligible employee. ^{Idem}

(4) Within six months after a pension plan is amended, the employer shall provide the explanation and information referred to in subsection 1 respecting the plan as amended to each member affected by the amendment and to each eligible employee. ^{Idem}

(5) Every employer shall provide an employee who, upon termination of employment or termination of membership in a pension plan, becomes entitled to an immediate or deferred pension benefit with a written statement showing the benefits to which he is entitled or to which he may become entitled. ^{Idem}

7. The said Act is further amended by adding thereto the following section: ^{s. 25a. enacted}

Continuation
of benefits
under
successor
employer

25a.—(1) Where an employer who is bound by or is a party to a pension plan sells, assigns or otherwise disposes of all or part of his business or undertaking or all or part of the assets of his business or undertaking, and,

- (a) in conjunction therewith, an employee of the employer becomes an employee of the person acquiring such business, undertaking or assets, in this section called the successor employer; and
- (b) the successor employer does not assume responsibility for the accrued pension benefits of the employer's pension plan,

the employee referred to in clause *a* continues to be entitled to the benefits provided under the terms of the plan in respect of his service in Ontario or a designated province without further accrual.

Re-employ-
ment deemed
not a
termination

(2) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purposes of the employer's plan, the employment or membership in the employer's plan of an employee referred to in clause *a* of subsection 1 shall be deemed not to have been terminated by reason of the transaction.

Service
deemed
continuous

(3) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purpose of,

- (a) determining whether an employee is entitled to a deferred life annuity under a pension plan of the employer or successor employer; or
- (b) determining completed service with respect to any eligibility condition of a successor employer's pension plan,

the service of the employee shall be deemed to include his service with both the employer and the successor employer without any break in service notwithstanding the change of employers referred to in clause *a* of subsection 1.

s. 29 (4),
repealed

8. Subsection 4 of section 29 of the said Act is repealed.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Pension Benefits Amendment Act, 1973*.

SECTION 8. The provision repealed provides that fines for offences against the Act shall be paid to the Commission. The result of the repeal is that such fines will be paid into the Consolidated Revenue Fund.

An Act to amend
The Pension Benefits Act

1st Reading

October 19th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N
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-B56

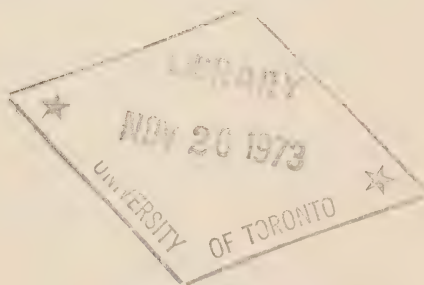
BILL 200

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Pension Benefits Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1) (d),
re-enacted

(*d*) "employer" means, in relation to an employee, any person or association from whom the employee receives his remuneration, and includes Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof. R.S.O. 1970,
c. 118

2. Clauses *c* and *e* of subsection 1 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (1) (c, e),
re-enacted

(*c*) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of any pension plans,

- (i) that fail to meet the tests for solvency prescribed by the regulations, or
- (ii) in respect of which the employer or the plan administrator has failed to comply with this Act or the regulations, or
- (iii) that are not being administered according to a contractual provision required by this Act or the regulations;

(*e*) to assess and collect fees for the registration and annual supervision of pension plans; and

s. 11,
amended

3. Section 11 of the said Act is amended by striking out “in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 29” in the second and third lines.

s. 21,
amended

4. Section 21 of the said Act is amended by adding thereto the following subsection:

Benefit
not to be
less than
contribu-
tions

(11) Notwithstanding any provision of this section and any provision of a pension plan, where,

(a) any employee is entitled upon termination of his employment or upon termination of his membership in a pension plan to a deferred or immediate pension benefit; and

(b) on the date of termination of his employment or termination of his membership in a pension plan, his pension benefit credit is less than the value of his contributions made to the plan towards such pension benefit,

his pension benefit credit shall be increased to an amount not less than the said value of his contributions.

s. 22 (1) (b),
repealed

5. Clause *b* of subsection 1 of section 22 of the said Act is repealed.

ss. 23a, 23b,
enacted

6. The said Act is amended by adding thereto the following sections:

Employee's
payments
held in
trust

23a.—(1) Any sum received by an employer from an employee pursuant to an arrangement for the payment of such sum by the employer into a pension plan as the employee's contribution thereto shall be deemed to be held by the employer in trust for payment of the same after his receipt thereof into the pension plan as the employee's contribution thereto and the employer shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Idem:
payroll
deductions

(2) For the purposes of subsection 1, any sum withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be a sum received by the employer from the employee.

Employer's
contribu-
tions held
in trust

(3) Any sum required to be paid into a pension plan by an employer as the employer's contribution to the plan shall, when due under the plan, be deemed to be held by the employer in trust for payment of the same into the plan in accordance with the plan and this Act and the regulations as the employer's

contribution and the employer shall not appropriate or convert any part of the amount required to be paid to the fund to his own use or to any use not authorized by the terms of the pension plan.

23b.—(1) Every employer shall provide to each employee who is eligible or required to become a member of a registered pension plan, with reference to the benefits available to him under the terms of the plan, ^{Distribution of information to employees}

- (a) a written explanation of the terms and conditions of the plan applicable to him;
- (b) a written explanation of the rights and duties of the employee; and
- (c) such other information as may be prescribed by the regulations,

on or before the date such employee is eligible or required to become a member.

(2) Before the 1st day of July, 1974, every employer shall ^{Idem} have provided the explanation and information mentioned in subsection 1 including an explanation and information respecting any amendments made to the plan which affect the members of the plan to each member of the plan and to each eligible employee.

(3) Within six months after a pension plan is established, ^{Idem} every employer shall provide the explanation and information referred to in subsection 1 respecting the plan to each member of the plan and to each eligible employee.

(4) Within six months after a pension plan is amended, ^{Idem} the employer shall provide the explanation and information referred to in subsection 1 respecting the plan as amended to each member affected by the amendment and to each eligible employee.

(5) Every employer shall provide an employee who, upon ^{Idem} termination of employment or termination of membership in a pension plan, becomes entitled to an immediate or deferred pension benefit with a written statement showing the benefits to which he is entitled or to which he may become entitled.

23c. A member of a registered pension plan or his agent ^{Inspection of plan by members} authorized in writing may inspect and make extracts from the plan at the offices of the Commission at any time during business hours.

7. The said Act is further amended by adding thereto the following section: ^{s. 25a, enacted}

Continuation
of benefits
under
successor
employer

25a.—(1) Where an employer who is bound by or is a party to a pension plan sells, assigns or otherwise disposes of all or part of his business or undertaking or all or part of the assets of his business or undertaking, and,

- (a) in conjunction therewith, an employee of the employer becomes an employee of the person acquiring such business, undertaking or assets, in this section called the successor employer; and
- (b) the successor employer does not assume responsibility for the accrued pension benefits of the employer's pension plan,

the employee referred to in clause *a* continues to be entitled to the benefits provided under the terms of the plan in respect of his service in Ontario or a designated province without further accrual.

Re-employ-
ment deemed
not a
termination

(2) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purposes of the employer's plan, the employment or membership in the employer's plan of an employee referred to in clause *a* of subsection 1 shall be deemed not to have been terminated by reason of the transaction.

Service
deemed
continuous

(3) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purpose of,

- (a) determining whether an employee is entitled to a deferred life annuity under a pension plan of the employer or successor employer; or
- (b) determining completed service with respect to any eligibility condition of a successor employer's pension plan,

the service of the employee shall be deemed to include his service with both the employer and the successor employer without any break in service notwithstanding the change of employers referred to in clause *a* of subsection 1.

s. 29 (4),
repealed

8. Subsection 4 of section 29 of the said Act is repealed.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Pension Benefits Amendment Act, 1973*.

An Act to amend
The Pension Benefits Act

1st Reading

October 19th, 1973

2nd Reading

November 1st, 1973

3rd Reading

November 8th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CA20N

XB

-B 56

BILL 200

Government Bill

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Pension Benefits Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definition of "employer" is shortened with no change in meaning.

SECTION 2. The functions of the Commission are amended to make specific reference to cancellation of pension plans being improperly administered. The amendment to clause *e* is complementary to section 3 of this Bill.

An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 1 (1) (d),
re-enacted

(d) "employer" means, in relation to an employee, any person or association from whom the employee receives his remuneration, and includes Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof.

R.S.O. 1970,
c. 118
2. Clauses *c* and *e* of subsection 1 of section 10 of the said Act are

s. 10 (1) (c, e),
re-enacted

 repealed and the following substituted therefor:

(c) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of any pension plans,

 - (i) that fail to meet the tests for solvency prescribed by the regulations, or
 - (ii) in respect of which the employer or the plan administrator has failed to comply with this Act or the regulations, or
 - (iii) that are not being administered according to a contractual provision required by this Act or the regulations;

(e) to assess and collect fees for the registration and annual supervision of pension plans; and

s. 11,
amended

3. Section 11 of the said Act is amended by striking out “in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 29” in the second and third lines.

s. 21,
amended

4. Section 21 of the said Act is amended by adding thereto the following subsection:

Benefit
not to be
less than
contribu-
tions

(11) Notwithstanding any provision of this section and any provision of a pension plan, where,

(a) any employee is entitled upon termination of his employment or upon termination of his membership in a pension plan to a deferred or immediate pension benefit; and

(b) on the date of termination of his employment or termination of his membership in a pension plan, his pension benefit credit is less than the value of his contributions made to the plan towards such pension benefit,

his pension benefit credit shall be increased to an amount not less than the said value of his contributions.

s. 22 (1) (b),
repealed

5. Clause *b* of subsection 1 of section 22 of the said Act is repealed.

ss. 23a, 23b,
enacted

6. The said Act is amended by adding thereto the following sections:

Employee's
payments
held in
trust

23a.—(1) Any sum received by an employer from an employee pursuant to an arrangement for the payment of such sum by the employer into a pension plan as the employee's contribution thereto shall be deemed to be held by the employer in trust for payment of the same after his receipt thereof into the pension plan as the employee's contribution thereto and the employer shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Idem:
payroll
deductions

(2) For the purposes of subsection 1, any sum withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be a sum received by the employer from the employee.

Employer's
contribu-
tions held
in trust

(3) Any sum required to be paid into a pension plan by an employer as the employer's contribution to the plan shall, when due under the plan, be deemed to be held by the employer in trust for payment of the same into the plan in accordance with the plan and this Act and the regulations as the employer's

SECTION 3. The result of the amendment is to require the revenues of the Commission to be paid into the Consolidated Revenue Fund. At present the Commission retains its fees and fines for direct application to its own purposes.

SECTION 4. The amendment insures that benefits will not be less than the contributions.

SECTION 5. The provision repealed requires a pension plan filed for registration to contractually provide that the benefits or deferred life annuity under the plan are not assignable.

SECTION 6. The new section 23*a* provides that the contributions by employees and employers while held by the employer are held by him in trust for payment into the plan.

The new section 23*b* provides for the dissemination of information respecting the plan to members and eligible employees.

SECTION 7. The new provision provides for the continuation of benefits even though the employer sells his business.

contribution and the employer shall not appropriate or convert any part of the amount required to be paid to the fund to his own use or to any use not authorized by the terms of the pension plan.

23b.—(1) Every employer shall provide to each employee who is eligible or required to become a member of a registered pension plan, with reference to the benefits available to him under the terms of the plan, Distribution of information to employees

- (a) a written explanation of the terms and conditions of the plan applicable to him;
- (b) a written explanation of the rights and duties of the employee; and
- (c) such other information as may be prescribed by the regulations,

on or before the date such employee is eligible or required to become a member.

(2) Before the 1st day of July, 1974, every employer shall have provided the explanation and information mentioned in subsection 1 including an explanation and information respecting any amendments made to the plan which affect the members of the plan to each member of the plan and to each eligible employee. Idem

(3) Within six months after a pension plan is established, every employer shall provide the explanation and information referred to in subsection 1 respecting the plan to each member of the plan and to each eligible employee. Idem

(4) Within six months after a pension plan is amended, the employer shall provide the explanation and information referred to in subsection 1 respecting the plan as amended to each member affected by the amendment and to each eligible employee. Idem

(5) Every employer shall provide an employee who, upon termination of employment or termination of membership in a pension plan, becomes entitled to an immediate or deferred pension benefit with a written statement showing the benefits to which he is entitled or to which he may become entitled. Idem

23c. A member of a registered pension plan or his agent authorized in writing may inspect and make extracts from the plan at the offices of the Commission at any time during business hours. Inspection of plan by members

7. The said Act is further amended by adding thereto the following section: s. 25a, enacted

Continuation
of benefits
under
successor
employer

25a.—(1) Where an employer who is bound by or is a party to a pension plan sells, assigns or otherwise disposes of all or part of his business or undertaking or all or part of the assets of his business or undertaking, and,

- (a) in conjunction therewith, an employee of the employer becomes an employee of the person acquiring such business, undertaking or assets, in this section called the successor employer; and
- (b) the successor employer does not assume responsibility for the accrued pension benefits of the employer's pension plan,

the employee referred to in clause *a* continues to be entitled to the benefits provided under the terms of the plan in respect of his service in Ontario or a designated province without further accrual.

Re-employ-
ment deemed
not a
termination

(2) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purposes of the employer's plan, the employment or membership in the employer's plan of an employee referred to in clause *a* of subsection 1 shall be deemed not to have been terminated by reason of the transaction.

Service
deemed
continuous

(3) Where a transaction described in subsection 1 has taken place, irrespective of whether the successor employer has or has not assumed responsibility for the accrued pension benefits of the employer's pension plan, for the purpose of,

- (a) determining whether an employee is entitled to a deferred life annuity under a pension plan of the employer or successor employer; or
- (b) determining completed service with respect to any eligibility condition of a successor employer's pension plan,

the service of the employee shall be deemed to include his service with both the employer and the successor employer without any break in service notwithstanding the change of employers referred to in clause *a* of subsection 1.

s. 29 (4),
repealed

8. Subsection 4 of section 29 of the said Act is repealed.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Pension Benefits Amendment Act, 1973*.

SECTION 8. The provision repealed provides that fines for offences against the Act shall be paid to the Commission. The result of the repeal is that such fines will be paid into the Consolidated Revenue Fund.

BILL 200

An Act to amend
The Pension Benefits Act

1st Reading

October 19th, 1973

2nd Reading

November 1st, 1973

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

CA20N
XB

BILL 201

Government Bill

Government
Publication

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Vital Statistics Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

SECTION 1. "Still-birth" is redefined for greater accuracy.

SECTION 2. The amendment deletes the requirement that the Registrar General supply doctors with copies of a Physician's Pocket Reference Book explanatory of the International List of Causes of Death.

SECTION 3. The two provisions are re-enacted for the purpose of inserting the references to payment of the prescribed fee.

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *v* of section 1 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (v),
re-enacted

(*v*) “still-birth” means the complete expulsion or extraction from its mother of a product of conception either after the twentieth week of pregnancy or after the product of conception has attained the weight of 500 grams or more, and where after such expulsion or extraction there is no breathing, beating of the heart, pulsation of the umbilical cord or movement of voluntary muscle.

2. Subsection 3 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The Registrar General shall cause all deaths registered under this Act to be classified according to the International List of Causes of Death as revised at the last decennial revision thereof by the International Commission assembled for that purpose. Classifi-
cation by
Internat-
ional List of
Causes of
Death

- 3.—(1) Subsection 6 of section 6 of the said Act is repealed and the following substituted therefor: s. 6 (6),
re-enacted

(6) If the request referred to in subsection 5 is made after the registration of the birth, the Registrar General shall upon payment of the prescribed fee amend the registration in accordance with the request. Amendment
of registra-
tion

- (2) Subsection 9 of the said section 6 is repealed and the following substituted therefor: s. 6 (9),
re-enacted

Amendment
of registra-
tion

(9) The statutory declaration mentioned in subsection 8 shall be filed by the mother with the division registrar or, if the declaration is made after the registration of the birth, with the Registrar General, and in the latter case the Registrar General shall upon payment of the prescribed fee amend the registration in accordance with such declaration.

s. 15 (2),
re-enacted

4. Subsection 2 of section 15 of the said Act is repealed and the following substituted therefor:

Registration
of marriage

(2) If an officer designated under clause *m* of section 54 is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar General under subsection 2 of section 29 of *The Marriage Act*, he shall register the marriage and upon the request of the person who solemnized the marriage, he shall mail an acknowledgment of receipt of the statement of marriage to such person.

s. 17 (3, 4),
re-enacted

5. Subsections 3 and 4 of section 17 of the said Act are repealed and the following substituted therefor:

Medical
certificate
of death

(3) Subject to subsection 4, any legally qualified medical practitioner who has been in attendance during the last illness of a deceased person or who has sufficient knowledge of the last illness, shall forthwith after the death complete and sign a medical certificate of death in the prescribed form, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission assembled for that purpose, and shall deliver the medical certificate to the funeral director or other person in charge of the body.

Coroner's
case
1972, c. 98

(4) In the case of a death of which the coroner is required to be notified under section 9 of *The Coroners Act, 1972*, the coroner notified shall, as soon as the cause of death is known, complete and sign a medical certificate of death in the prescribed form, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission assembled for that purpose, and shall deliver the medical certificate to the funeral director in charge of the body.

Copying of
death
certificate

(5) No person shall make a copy or a duplicate of the medical certificate of death, nor shall any person receive a copy of the certificate, except as authorized by this or any other Act or the regulations made thereunder.

Duties of
funeral
director,
etc.

(6) Upon receipt of the statement containing the personal particulars and the medical certificate of death, the funeral director shall complete the statement containing personal

SECTION 4. The amendment requires the Registrar General to mail a receipt for the statement of marriage to the person who solemnized the marriage only if the receipt is requested.

SECTION 5. The provisions requiring medical certificates of death are clarified as to the giving of certificates in coroners' cases. Also provision is made to preserve privacy of the information on the certificate.

SECTION 6. The amendment requires delivery of the statement of death with the coroner's warrant for burial before the division registrar can issue a burial permit where no certificate of death has been made.

particulars, setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body, and shall deliver the statement and the medical certificate to the division registrar of the proper registration division.

6. Subsection 2 of section 20 of the said Act is repealed and ^{s. 20 (2),} the following substituted therefor: ^{re-enacted}

(2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable ^{Coroner's} for the coroner to complete a medical certificate of the cause ^{warrant} of death, he may issue his warrant to bury when he has ^{to bury} examined the body as provided in *The Coroners Act, 1972*, ^{1972, c. 98} and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury and the statement of death and the coroner shall, as soon as the cause of death is known, complete and deliver or mail the medical certificate of death to the Registrar General.

- 7.—(1) This Act, except section 3, comes into force on the day ^{Commence-} it receives Royal Assent. ^{ment}

(2) Section 3 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

8. This Act may be cited as *The Vital Statistics Amendment* ^{Short title} *Act, 1973*.

BILL 201

An Act to amend
The Vital Statistics Act

1st Reading

October 19th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N

XB

-B56

Government
Publications

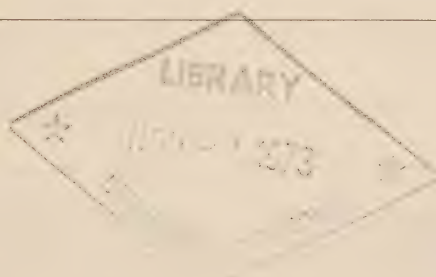
BILL 202

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Natural Resources Act, 1972**

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Definitions of Commissioner and deputy commissioner are added to the definition section.

SECTION 2.—Subsection 1. The reference to the Mining Commissioner is amended to refer to the new officials to be appointed under the new section 5*a* of the Act.

Subsection 2. An internal reference is corrected.

SECTION 3. The new section of the Act provides for the creation of the office of and the appointment of the Mining and Lands Commissioner, deputy commissioners and their powers and duties.

BILL 202

1973

**An Act to amend
The Ministry of Natural Resources Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Natural Resources Act, 1972*, being ^{s.1,} chapter 4, is repealed and the following substituted therefor: ^{re-enacted}

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Mining and Lands Commissioner;
- (b) "deputy commissioner" means a Deputy Mining and Lands Commissioner;
- (c) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources.

- 2.—(1) Subsection 3 of section 5 of the said Act is amended by ^{s.5 (3),} striking out "the Mining Commissioner under *The Mining* ^{amended} *Act*" in the second and third lines and inserting in lieu thereof "the Commissioner, a deputy commissioner".

- (2) Subsection 4 of the said section 5 is amended by ^{s.5 (4),} inserting after "4" in the second line "of section 5". ^{amended}

3. The said Act is amended by adding thereto the following ^{s.5a,} section: ^{enacted}

5a.—(1) The Lieutenant Governor in Council may appoint <sup>Appoint-
ments</sup> an officer to be known as the Mining and Lands Commissioner and one or more officers to be known as Deputy Mining and Lands Commissioners.

Absence of
Commis-
sioner

(2) In the absence of the Commissioner,

- (a) where a deputy commissioner is appointed, he shall perform the duties and exercise the powers of the Commissioner; and
- (b) where no deputy commissioner is appointed, the Minister may appoint in writing a person to exercise the powers of the Commissioner to make orders under section 95 of *The Mining Act*.

R.S.O. 1970,
c. 274

Vacancies

(3) In the case of a vacancy in the office of the Commissioner, the deputy commissioner who in point of time is senior in appointment to office shall act as the Commissioner until the vacancy is filled.

Powers, etc.,
of tribunal

(4) Where two or more deputy commissioners are appointed, the Commissioner and two of the deputy commissioners may hear any matter, application or appeal to the Commissioner as a tribunal of three and a hearing by the tribunal shall be deemed to be a hearing before the Commissioner and the decision of the majority shall be the decision of the tribunal.

Seal

(5) The Commissioner shall have a seal of office but no document executed by the Commissioner is invalid by reason of the failure to affix the seal thereto.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

- (a) establishing the rules of practice and procedure before the Commissioner or any tribunal provided for in subsection 4;
- (b) assigning to the Commissioner authorities, powers and duties of the Minister.

Application
of Part VIII
R.S.O. 1970,
c. 274

(7) Part VIII of *The Mining Act* applies *mutatis mutandis* to the exercise of authorities, powers and duties assigned to the Commissioner under clause *b* of subsection 6.

References
to the
Mining
Commis-
sioner

4. Any reference to the Mining Commissioner in any Act, regulation, rule, letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order shall be deemed to be a reference to the Commissioner.

s. 15,
re-enacted

5. Section 15 of the said Act is repealed and the following substituted therefor:

SECTION 4. Self-explanatory.

SECTION 5. Self-explanatory.

15. A reference to the district forester or the district forester for the forest district or the district forester for the administrative district of the Ministry in any Act, regulation, rule, letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order shall be deemed to be a reference to the district manager of the administrative district of the Ministry.

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
7. This Act may be cited as *The Ministry of Natural Resources Amendment Act, 1973*.

BILL 202

An Act to amend
The Ministry of Natural Resources
Act, 1972

1st Reading

October 19th, 1973

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

CA20N

XB

-B56

BILL 202

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Natural Resources Act, 1972**

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 202

1973

**An Act to amend
The Ministry of Natural Resources Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Natural Resources Act, 1972*, being ^{s.1,} re-enacted chapter 4, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Mining and Lands Commissioner;
- (b) "deputy commissioner" means a Deputy Mining and Lands Commissioner;
- (c) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources.

- 2.—(1) Subsection 3 of section 5 of the said Act is amended by ^{s.5(3),} amended striking out "the Mining Commissioner under *The Mining Act*" in the second and third lines and inserting in lieu thereof "the Commissioner, a deputy commissioner".

- (2) Subsection 4 of the said section 5 is amended by ^{s.5(4),} amended inserting after "4" in the second line "of section 5".

3. The said Act is amended by adding thereto the following ^{s.5a,} enacted section:

5a.—(1) The Lieutenant Governor in Council may appoint <sup>Appoint-
ments</sup> an officer to be known as the Mining and Lands Commissioner and one or more officers to be known as Deputy Mining and Lands Commissioners.

Absence of
Commis-
sioner

(2) In the absence of the Commissioner,

(a) where a deputy commissioner is appointed, he shall perform the duties and exercise the powers of the Commissioner; and

(b) where no deputy commissioner is appointed, the Minister may appoint in writing a person to exercise the powers of the Commissioner to make orders under section 95 of *The Mining Act*.

R.S.O. 1970,
c. 274

Vacancies

(3) In the case of a vacancy in the office of the Commissioner, the deputy commissioner who in point of time is senior in appointment to office shall act as the Commissioner until the vacancy is filled.

Powers, etc.,
of tribunal

(4) Where two or more deputy commissioners are appointed, the Commissioner and two of the deputy commissioners may hear any matter, application or appeal to the Commissioner as a tribunal of three and a hearing by the tribunal shall be deemed to be a hearing before the Commissioner and the decision of the majority shall be the decision of the tribunal.

Seal

(5) The Commissioner shall have a seal of office but no document executed by the Commissioner is invalid by reason of the failure to affix the seal thereto.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

(a) establishing the rules of practice and procedure before the Commissioner or any tribunal provided for in subsection 4;

(b) assigning to the Commissioner authorities, powers and duties of the Minister.

Application
to the
Part VIII
R.S.O. 1970,
c. 274

(7) Part VIII of *The Mining Act* applies *mutatis mutandis* to the exercise of authorities, powers and duties assigned to the Commissioner under clause *b* of subsection 6.

References
to the
Mining
Commis-
sioner

4. Any reference to the Mining Commissioner in any Act, regulation, rule, letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order shall be deemed to be a reference to the Mining of and Lands Commissioner.

s. 15.
re-enacted

5. Section 15 of the said Act is repealed and the following substituted therefor:

15. A reference to the district forester or the district forester for the forest district or the district forester for the administrative district of the Ministry in any Act, regulation, rule, letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order shall be deemed to be a reference to the district manager of the administrative district of the Ministry.

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
7. This Act may be cited as *The Ministry of Natural Resources Amendment Act, 1973*.

An Act to amend
The Ministry of Natural Resources
Act, 1972

1st Reading

October 19th, 1973

2nd Reading

October 30th, 1973

3rd Reading

October 30th, 1973

THE HON. L. BERNIER
Minister of Natural Resources

CA20N

XB

-B 56

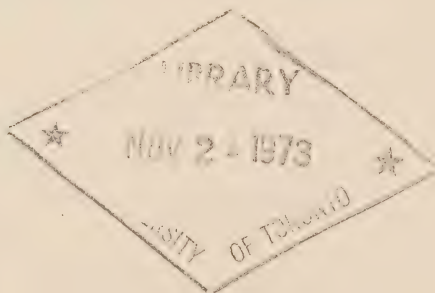
BILL 203

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Mining Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

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BILL 203

1973

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 7 of section 1 of *The Mining Act*, being chapter 274 of the Revised Statutes of Ontario, 1970, is repealed ^{s. 1, par. 7, re-enacted} and the following substituted therefor:
 7. “Director” means the Director of the Lands Administration Branch.
- (2) Paragraph 26 of the said section 1 is repealed and the ^{s. 1, par. 26, re-enacted} following substituted therefor:
 26. “Supervisor” means the Supervisor of the Mining Lands Section.
2. Section 134 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 58, is repealed. ^{s. 134, repealed}
3. Section 136 of the said Act is repealed. ^{s. 136, repealed}
4. Section 142 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 58, is repealed. ^{s. 142, repealed}
5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}
6. This Act may be cited as *The Mining Amendment Act, 1973*. ^{Short title}

BILL 203

An Act to amend
The Mining Act

1st reading

October 19th, 1973

2nd Reading

October 30th, 1973

3rd Reading

October 30th, 1973

THE HON. L. BERNIER
Minister of Natural Resources

CA20N

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-B 56

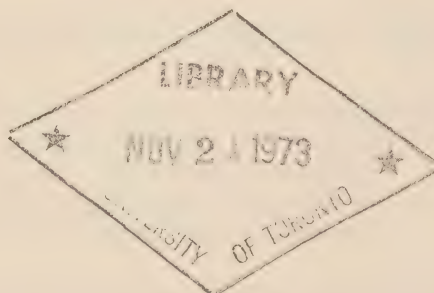
BILL 204

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Assessment Review Court Act, 1972

THE HON. D. A. BALES
Attorney General



TORONTO

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BILL 204

1973

An Act to amend The Assessment Review Court Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Assessment Review Court Act, 1972*, being ^{s. 8,} chapter 111, is repealed ^{repealed}.
2. Section 10 of the said Act is repealed and the following sub- ^{s. 10,} ^{re-enacted}stituted therefor:

10. The Court shall hold sittings at such place or places ^{Sittings of Court} within a county or district or a metropolitan or regional municipality as the chairman from time to time may designate for the purpose of hearing and deciding all complaints relating to assessments in municipalities within the county or district or the metropolitan or regional municipality in respect of which a person may appeal to the Court under *The Assess-* ^{R.S.O. 1970,} ^{c. 32} *ment Act* or any other Act.

3. Section 12 of the said Act is repealed and the following sub- ^{s. 12,} ^{re-enacted}stituted therefor:

12. There shall be a clerk of the Court for each hearing ^{Clerk of Court and} of the Court and the clerk shall keep a record of the pro- ^{record}ceedings and decisions of the Court, which shall be certified by a member of the Court who heard the appeal and when so certified shall be forwarded forthwith to the regional registrar.

4. This Act comes into force on the day it receives Royal Assent. ^{Commence-} ^{ment}
5. This Act may be cited as *The Assessment Review Court Amend-* ^{Short title} *ment Act, 1973*.

BILL 204

An Act to amend
The Assessment Review Court
Act, 1972

1st Reading

October 25th, 1973

2nd Reading

October 30th, 1973

3rd Reading

October 30th, 1973

THE HON. D. A. BALES
Attorney General

CA20N

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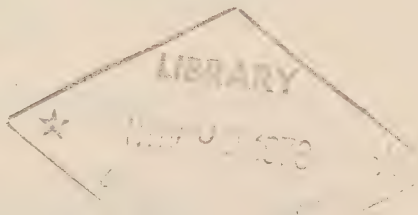
BILL 205

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Gasoline Handling Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. The Bill provides for a new definition of gasoline by raising the maximum flash point. The Bill also adds a definition of "Director".

Subsection 2. Subsection 2 of section 1 of the Act is repealed. The subsection being repealed provides for the designation by the Minister of a chief officer for the purposes of the Act. The function of the chief officer is now fulfilled by the Director.

SECTION 2. Section 2 of the Act is amended to substitute the Director for the Minister for the purposes of giving approval for equipment sold, installed or used.

SECTION 3. Section 3 of the Act is amended to complement the new definition of gasoline. The Director is substituted for the Minister for the purposes of approving, pursuant to the regulations, gasoline containers.

SECTION 4. The section is amended to substitute the Director for the Minister for the purpose of establishing or approving specifications, etc., for equipment and tests thereof.

SECTION 5. This section of the Bill provides for the re-enactment of section 6 of the Act. It would effect two changes. The duties and functions presently assigned to the chief officer are assigned to the Director. Any person installing, repairing, etc., equipment would have to be registered as a contractor for that purpose and be subject to the same procedures as are persons who are licensed under the Act to operate service stations, etc.

An Act to amend The Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Gasoline Handling Act*, <sup>s. 1 (1),
amended</sup> being chapter 189 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, s. 41, is further amended by adding thereto the following clause:
 - (ca) “Director” means the Director of the Energy Branch.
- (2) Clause *f* of subsection 1 of the said section 1 is repealed <sup>s. 1 (1) (f),
re-enacted</sup> and the following substituted therefor:
 - (f) “gasoline” means a product of petroleum that has a flash point below 100°F. and that is designed for use in an internal combustion engine.
- (3) Subsection 2 of the said section 1, as enacted by the Statutes <sup>s. 1 (2),
repealed</sup> of Ontario, 1971, chapter 50, section 43 and amended by 1972, chapter 1, section 41, is repealed.
2. Section 2 of the said Act is amended by striking out “Minister” <sup>s. 2,
amended</sup> in the sixth line and inserting in lieu thereof “Director”.
3. Section 3 of the said Act is amended by striking out “73°F.” <sup>s. 3,
amended</sup> in the third line and inserting in lieu thereof “100°F.” and by striking out “Minister” in the fourth line and inserting in lieu thereof “Director”.
4. Section 4 of the said Act is amended by striking out “Minister” <sup>s. 4,
amended</sup> in the first line and inserting in lieu thereof “Director”.
- 5.—(1) Section 6 of the said Act, as re-enacted by the Statutes of <sup>s. 6,
re-enacted</sup> Ontario, 1971, chapter 50, section 43, is repealed and the following substituted therefor:

Licence to
operate
service
station, etc.

6.—(1) No person shall,

- (a) operate a service station ;
- (b) operate a marina ;
- (c) operate a bulk plant ; or
- (b) transport gasoline or an associated product,

unless licensed to do so by the Director.

Installation,
repair, etc.
of equipment

(2) No person shall install, repair, service or remove equipment at a bulk plant, consumer outlet, marina or service station unless he is,

- (a) engaged in the business of installing, repairing, servicing or removing such equipment ; and
- (b) registered as a contractor by the Director for that purpose,

or he is an employee of such person.

Entitlement
to licence
or
registration

(3) Subject to section 6a, any person who makes application for a licence in accordance with this Act and the regulations for any of the purposes enumerated in subsection 1 or makes application for registration as a contractor in accordance with this Act and the regulations and pays the prescribed fee is entitled to be issued such licence or registered as a contractor by the Director.

Entitlement
to renewal
of licence or
registration

(4) Subject to section 6b, a licensee or registrant who makes application for a renewal of his licence or registration in accordance with this Act and the regulations and pays the prescribed fee is entitled to a renewal of his licence or registration by the Director.

Commence-
ment of
s. 6 (2)

(2) Subsection 2 of section 6 of the said Act, as re-enacted by subsection 1 of this section, does not come into force until a day to be named by the Lieutenant Governor by his proclamation.

ss. 6a, 6b, 6c,
re-enacted

6. Sections 6a, 6b and 6c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, are repealed and the following substituted therefor:

Refusal to
issue licence
or to register

6a. Subject to section 6c, the Director may refuse to issue a licence to an applicant or to register an applicant who has otherwise complied with the requirements of section 6 if in his opinion the past conduct of the applicant or where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for belief that the operations to be carried on pursuant to the licence or registration will not be carried on in accordance with law and in a safe manner.

SECTION 6. The Bill provides for the re-enactment of sections *6a*, *6b*, and *6c* to correspond with the changes made by section 5 of the Bill and to coincide with section 1 of the Bill.

6b. Subject to section 6c, the Director may refuse to renew or may suspend or revoke a licence or registration if in his opinion the licensee or registrant or where the licensee or registrant is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the licence or registration to contravene any provision of this Act or of the regulations or of any other Act or regulation applying to the carrying on of such operations, and such contravention occurred through lack of competence or with intent to evade the requirements of such provision.

Suspension,
etc., of licence
or
registration

6c.—(1) Where the Director proposes to refuse to issue or renew a licence or registration or proposes to suspend or revoke a licence or registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or registrant informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his operations under the licence or registration if he applies therefor within fifteen days after service of the notice by the Director, and the applicant, licensee or registrant may within such time apply to the judge for a hearing.

Notice of
proposal to
refuse or
revoke

(2) Where an applicant, licensee or registrant does not apply for a hearing in accordance with subsection 1, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Director
where no
hearing

(3) Where an applicant, licensee or registrant applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and take such action as the judge considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Director.

Powers of
judge where
hearing

(4) The Director may serve notice under subsection 1 personally or by registered mail addressed to the applicant, licensee or registrant at his address last known to the Director and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

1 Service of
notice

Extension of
time for
hearing

(5) A judge to whom application is made by an applicant, licensee or registrant for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Continuation
of licences or
registrations
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, a licensee or registrant has applied for renewal of his licence or registration and paid the prescribed fee, his licence or registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.

s. 6*d* (1-3),
re-enacted

7. Subsections 1, 2 and 3 of section 6*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, are repealed and the following substituted therefor:

Parties

(1) The Director, the applicant, licensee or registrant who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6*c*.

Notice of
hearing

(2) Notice of a hearing under section 6*c* shall afford to the applicant, licensee or registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or registration.

Examination
of
documentary
evidence

(3) An applicant, licensee or registrant who is a party to proceedings under section 6*c* shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

s. 6*e* (4),
amended

8. Subsection 4 of section 6*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the fourth line and inserting in lieu thereof "Director".

SECTION 7. Three subsections of section 6*d* are re-enacted to correspond with the changes proposed by section 5 of the Bill.

SECTION 8. This section provides for an amendment to a subsection of section 6*e* to coincide with section 1 of the Bill, i.e. change to Director.

SECTION 9. Section 6*f* of the Act is re-enacted to correspond with the changes proposed by section 5 of the Bill.

SECTION 10. There are a series of amendments substituting "Director" for "chief officer" to complement sections 1 and 5 of the Bill.

SECTION 11.—Subsection 1. The amendment serves to extend the power of the Lieutenant Governor in Council to make regulations in respect of registered contractors. This is complementary to section 5 of the Bill.

Subsections 2 and 3. It is proposed to substitute "Director" for "Minister" for purposes of giving approval to equipment and specifications and to designate testing organizations as provided in the regulations.

9. Section 6*f* of the said Act, as enacted by the Statutes of Ontario, <sup>s. 6*f*,
re-enacted</sup> 1971, chapter 50, section 43, is repealed and the following substituted therefor:

6*f*. Notwithstanding section 6*c*, the Director, by notice <sup>Provisional
order of
Director</sup> to a licensee or registrant and without a hearing, may provisionally refuse renewal of or suspend the licence or registration where the carrying on of the operations under the licence or registration is, in the Director's opinion, an immediate threat to public safety or the safety of any person and the Director so states in the notice giving his reasons therefor, and thereafter sections 6*c*, 6*d* and 6*e* apply as if the notice given under this section were a notice of a proposal to revoke the licence or registration served under subsection 1 of section 6*c*.

- 10.—(1) Subsection 4*a* of section 8 of the said Act, as enacted <sup>s. 8 (4*a*),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the third line and inserting in lieu thereof "Director".
- (2) Subsection 4*b* of the said section 8, as enacted by the <sup>s. 8 (4*b*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the second line and inserting in lieu thereof "Director".
- (3) Subsection 4*c* of the said section 8, as enacted by the <sup>s. 8 (4*c*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the second line and inserting in lieu thereof "Director".
- (4) Subsection 4*d* of the said section 8, as enacted by the <sup>s. 8 (4*d*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Director".
- 11.—(1) Clause *d* of section 9 of the said Act is amended by <sup>s. 9 (d),
amended</sup> inserting after "and" in the second line "registrations and".
- (2) Clause *e* of the said section 9 is amended by striking out <sup>s. 9 (e),
amended</sup> "Minister" in the second line and inserting in lieu thereof "Director".
- (3) Clause *g* of the said section 9 is amended by striking out <sup>s. 9 (g),
amended</sup> "Minister" in the first line and inserting in lieu thereof "Director".

s. 9,
amended

(4) The said section 9, as amended by the Statutes of Ontario, 1971, chapter 50, section 43, is further amended by adding thereto the following clauses:

(j) requiring the reporting of accidents, spills and leaks involving gasoline or associated products;

(k) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling of gasoline and associated products;

(l) requiring and providing for the approval of design and construction standards and drawings for equipment and installations.

s. 9,
amended

(5) The said section 9 is further amended by adding thereto the following subsection:

Adoption of
codes by
reference

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or specifications and may require compliance with any code or specifications that is so adopted.

Commence-
ment

12. This Act, except as provided in subsection 2 of section 5, comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Gasoline Handling Amendment Act, 1973*.

Subsection 4. The Bill also adds clauses empowering the Lieutenant Governor in Council to make regulations in respect of reporting accidents, etc., providing for record keeping, etc., and providing for approval of designs, standards, etc.

Subsection 5. The Bill further adds a subsection to provide for the adoption of codes by reference in regulations.

BILL 205

An Act to amend
The Gasoline Handling Act

1st Reading

October 25th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N

XB

-B56

Government
Publications

BILL 205

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Gasoline Handling Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Gasoline Handling Act*, <sup>s. 1 (1),
amended</sup> being chapter 189 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, s. 41, is further amended by adding thereto the following clause:

(ca) "Director" means the Director of the Energy Branch.
- (2) Clause *f* of subsection 1 of the said section 1 is repealed <sup>s. 1 (1) (f),
re-enacted</sup> and the following substituted therefor:

(f) "gasoline" means a product of petroleum that has a flash point below 100°F. and that is designed for use in an internal combustion engine.
- (3) Subsection 2 of the said section 1, as enacted by the Statutes <sup>s. 1 (2),
repealed</sup> of Ontario, 1971, chapter 50, section 43 and amended by 1972, chapter 1, section 41, is repealed.
2. Section 2 of the said Act is amended by striking out "Minister" <sup>s. 2,
amended</sup> in the sixth line and inserting in lieu thereof "Director".
3. Section 3 of the said Act is amended by striking out "73°F." <sup>s. 3,
amended</sup> in the third line and inserting in lieu thereof "100°F." and by striking out "Minister" in the fourth line and inserting in lieu thereof "Director".
4. Section 4 of the said Act is amended by striking out "Minister" <sup>s. 4,
amended</sup> in the first line and inserting in lieu thereof "Director".
- 5.—(1) Section 6 of the said Act, as re-enacted by the Statutes of <sup>s. 6,
re-enacted</sup> Ontario, 1971, chapter 50, section 43, is repealed and the following substituted therefor:

Licence to
operate
service
station, etc.

6.—(1) No person shall,

- (a) operate a service station ;
- (b) operate a marina ;
- (c) operate a bulk plant ; or
- (b) transport gasoline or an associated product,

unless licensed to do so by the Director.

Installation,
repair, etc.
of equipment

(2) No person shall install, repair, service or remove equipment at a bulk plant, consumer outlet, marina or service station unless he is,

- (a) engaged in the business of installing, repairing, servicing or removing such equipment ; and
- (b) registered as a contractor by the Director for that purpose,

or he is an employee of such person.

Entitlement
to licence
or
registration

(3) Subject to section 6a, any person who makes application for a licence in accordance with this Act and the regulations for any of the purposes enumerated in subsection 1 or makes application for registration as a contractor in accordance with this Act and the regulations and pays the prescribed fee is entitled to be issued such licence or registered as a contractor by the Director.

Entitlement
to renewal
of licence or
registration

(4) Subject to section 6b, a licensee or registrant who makes application for a renewal of his licence or registration in accordance with this Act and the regulations and pays the prescribed fee is entitled to a renewal of his licence or registration by the Director.

Commence-
ment of
s. 6 (2)

(2) Subsection 2 of section 6 of the said Act, as re-enacted by subsection 1 of this section, does not come into force until a day to be named by the Lieutenant Governor by his proclamation.

ss. 6a, 6b, 6c,
re-enacted

6. Sections 6a, 6b and 6c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, are repealed and the following substituted therefor:

Refusal to
issue licence
or to register

6a. Subject to section 6c, the Director may refuse to issue a licence to an applicant or to register an applicant who has otherwise complied with the requirements of section 6 if in his opinion the past conduct of the applicant or where the applicant is a corporation, of its officers, directors or servants, affords reasonable grounds for belief that the operations to be carried on pursuant to the licence or registration will not be carried on in accordance with law and in a safe manner.

6b. Subject to section 6c, the Director may refuse to renew or may suspend or revoke a licence or registration if in his opinion the licensee or registrant or where the licensee or registrant is a corporation, any officer, director or servant thereof, has contravened or has knowingly permitted any person under his control or direction or associated with him in the carrying on of operations pursuant to the licence or registration to contravene any provision of this Act or of the regulations or of any other Act or regulation applying to the carrying on of such operations, and such contravention occurred through lack of competence or with intent to evade the requirements of such provision.

Suspension,
etc., of licence
or
registration

6c.—(1) Where the Director proposes to refuse to issue or renew a licence or registration or proposes to suspend or revoke a licence or registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or registrant informing him that he has a right to a hearing by a judge of the county or district court of the county or district in which he intended to carry on or carried on his operations under the licence or registration if he applies therefor within fifteen days after service of the notice by the Director, and the applicant, licensee or registrant may within such time apply to the judge for a hearing.

Notice of
proposal to
refuse or
revoke

(2) Where an applicant, licensee or registrant does not apply for a hearing in accordance with subsection 1, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Director
where no
hearing

(3) Where an applicant, licensee or registrant applies to a judge for a hearing in accordance with subsection 1, the judge shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and take such action as the judge considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the Director.

Powers of
judge where
hearing

(4) The Director may serve notice under subsection 1 personally or by registered mail addressed to the applicant, licensee or registrant at his address last known to the Director and, where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

1 Service of
notice

Extension of
time for
hearing

(5) A judge to whom application is made by an applicant, licensee or registrant for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant, licensee or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Continuation
of licences or
registrations
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, a licensee or registrant has applied for renewal of his licence or registration and paid the prescribed fee, his licence or registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying to a judge for a hearing expires and, where a hearing is applied for, until the judge has made his order.

s. 6*d* (1-3),
re-enacted

7. Subsections 1, 2 and 3 of section 6*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, are repealed and the following substituted therefor:

Parties

(1) The Director, the applicant, licensee or registrant who has applied for the hearing and such other persons as the judge may specify are parties to the proceedings before a judge under section 6*c*.

Notice of
hearing

(2) Notice of a hearing under section 6*c* shall afford to the applicant, licensee or registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or registration.

Examination
of
documentary
evidence

(3) An applicant, licensee or registrant who is a party to proceedings under section 6*c* shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

s. 6*e* (4),
amended

8. Subsection 4 of section 6*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the fourth line and inserting in lieu thereof "Director".

9. Section 6*f* of the said Act, as enacted by the Statutes of Ontario, <sup>s. 6*f*,
re-enacted</sup> 1971, chapter 50, section 43, is repealed and the following substituted therefor:

6*f*. Notwithstanding section 6*c*, the Director, by notice <sup>Provisional
order of
Director</sup> to a licensee or registrant and without a hearing, may provisionally refuse renewal of or suspend the licence or registration where the carrying on of the operations under the licence or registration is, in the Director's opinion, an immediate threat to public safety or the safety of any person and the Director so states in the notice giving his reasons therefor, and thereafter sections 6*c*, 6*d* and 6*e* apply as if the notice given under this section were a notice of a proposal to revoke the licence or registration served under subsection 1 of section 6*c*.

- 10.—(1) Subsection 4*a* of section 8 of the said Act, as enacted <sup>s. 8 (4*a*),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the third line and inserting in lieu thereof "Director".
- (2) Subsection 4*b* of the said section 8, as enacted by the <sup>s. 8 (4*b*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the second line and inserting in lieu thereof "Director".
- (3) Subsection 4*c* of the said section 8, as enacted by the <sup>s. 8 (4*c*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the second line and inserting in lieu thereof "Director".
- (4) Subsection 4*d* of the said section 8, as enacted by the <sup>s. 8 (4*d*),
amended</sup> Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out "chief officer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Director".
- 11.—(1) Clause *d* of section 9 of the said Act is amended by <sup>s. 9 (d),
amended</sup> inserting after "and" in the second line "registrations and".
- (2) Clause *e* of the said section 9 is amended by striking out <sup>s. 9 (e),
amended</sup> "Minister" in the second line and inserting in lieu thereof "Director".
- (3) Clause *g* of the said section 9 is amended by striking out <sup>s. 9 (g),
amended</sup> "Minister" in the first line and inserting in lieu thereof "Director".

s. 9,
amended

- (4) The said section 9, as amended by the Statutes of Ontario, 1971, chapter 50, section 43, is further amended by adding thereto the following clauses:

- (j) requiring the reporting of accidents, spills and leaks involving gasoline or associated products;
- (k) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling of gasoline and associated products;
- (l) requiring and providing for the approval of design and construction standards and drawings for equipment and installations.

s. 9,
amended

- (5) The said section 9 is further amended by adding thereto the following subsection:

Adoption of
codes by
reference

- (2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or specifications and may require compliance with any code or specifications that is so adopted.

Commence-
ment

- 12.** This Act, except as provided in subsection 2 of section 5, comes into force on the day it receives Royal Assent.

Short title

- 13.** This Act may be cited as *The Gasoline Handling Amendment Act, 1973*.

An Act to amend
The Gasoline Handling Act

1st Reading

October 25th, 1973

2nd Reading

November 1st, 1973

3rd Reading

November 8th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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-B 56

BILL 206

Government
Publication
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Racing Commission Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The words struck out in section 8 are redundant since all employees are now appointed under *The Public Service Act*.

SECTION 2. Clauses *f* and *g* of section 11 give the Commission power to license classes of persons mentioned therein. The amendment allows the Commission to impose terms and conditions on a licence.

SECTION 3. This section allows the Commission to delegate powers set out therein to certain classes of people named in the section. There is provision for appeal to the Commission from the decision of any person to whom powers were delegated.

BILL 206

1973

An Act to amend The Racing Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Racing Commission Act*, being chapter 398 of the Revised Statutes of Ontario, 1970, is amended by striking out "and may appoint such officers, clerks or other employees as are necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration" in the third, fourth and fifth lines. s. 8,
amended

- 2.—(1) Clause *f* of section 11 of the said Act is amended by adding at the end thereof "and to impose such terms and conditions on a licence as the Commission considers expedient". s. 11 (f),
amended

- (2) Clause *g* of the said section 11 is amended by inserting after "on" in the fifth line "and to impose such terms and conditions on a licence". s. 11 (g),
amended

3. Section 15 of the said Act is repealed and the following substituted therefor: s. 15,
re-enacted

15.—(1) Rules for the conduct of horse racing may be promulgated by the Commission under this Act and the Commission may therein delegate to stewards, judges, veterinarians, race track officials, racing association officials, licensing agents or officers of the Commission such of the following powers as the Commission considers expedient, Rules by
Commission
for racing

 - (a) to hold hearings relating to the carrying out of its objects or powers;
 - (b) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act;

(c) to license owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen and such other persons in or about race tracks at which horse racing in any of its forms is carried on ;

(d) to collect fees or other charges for licences ;

(e) to impose and collect fines and other penalties for a contravention of any requirement of the Commission under this Act.

Aggrieved
person
entitled
to a
hearing

(2) Any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection 1 is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

Orders or
rules to be
administra-
tive

(3) Any order or rule issued or made by the Commission under this Act shall be deemed to be of an administrative and not of a legislative nature.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Racing Commission Amendment Act, 1973*.

BILL 206

An Act to amend
The Racing Commission Act

1st Reading

October 25th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N

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-B56

BILL 206

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Racing Commission Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 206

1973

An Act to amend The Racing Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Racing Commission Act*, being chapter 398 of the Revised Statutes of Ontario, 1970, is amended by striking out "and may appoint such officers, clerks or other employees as are necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration" in the third, fourth and fifth lines. s. 8,
amended

- 2.—(1) Clause *f* of section 11 of the said Act is amended by adding at the end thereof "and to impose such terms and conditions on a licence as the Commission considers expedient". s. 11 (f),
amended

- (2) Clause *g* of the said section 11 is amended by inserting after "on" in the fifth line "and to impose such terms and conditions on a licence". s. 11 (g),
amended

3. Section 15 of the said Act is repealed and the following substituted therefor: s. 15,
re-enacted
 - 15.—(1) Rules for the conduct of horse racing may be promulgated by the Commission under this Act and the Commission may therein delegate to stewards, judges, veterinarians, race track officials, racing association officials, licensing agents or officers of the Commission such of the following powers as the Commission considers expedient,
 - (a) to hold hearings relating to the carrying out of its objects or powers;
 - (b) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act;

- (c) to license owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen and such other persons in or about race tracks at which horse racing in any of its forms is carried on;
- (d) to collect fees or other charges for licences;
- (e) to impose and collect fines and other penalties for a contravention of any requirement of the Commission under this Act.

Aggrieved
person
entitled
to a
hearing

(2) Any person who considers himself aggrieved by a decision of a person delegated by the Commission under a rule made under subsection 1 is entitled to a hearing by the Commission and, in the case of a hearing, the Commission may exercise its powers and duties under section 11 as if such powers and duties had not been delegated.

Orders or
rules to be
administra-
tive

(3) Any order or rule issued or made by the Commission under this Act shall be deemed to be of an administrative and not of a legislative nature.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Racing Commission Amendment Act, 1973*.

An Act to amend
The Racing Commission Act

1st Reading

October 25th, 1973

2nd Reading

November 6th, 1973

3rd Reading

November 8th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CA20N

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-B 56

BILL 207

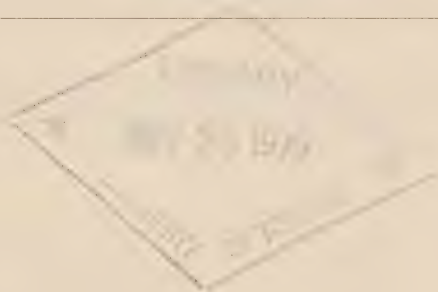
Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Private Hospitals Act

THE HON. R. T. POTTER
Minister of Health



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Complementary to new section 1 (2) of the Act.

Subsection 2. Complementary to section 53 (2) of *The Health Insurance Act, 1972*, which provides that the Minister of Health is the successor to the Commission.

SECTION 2. The re-enacted section continues the prohibition against the use of a house as a private hospital without a licence and adds the requirement that the licence be one issued before the 29th day of October, 1973. The word "house" is defined in the Act.

The penalty for contravention of the section is changed from a fine of not more than \$25 a day to not less than \$100 and not more than \$500 for each day of the contravention.

SECTION 3. Complementary to the re-enactment of section 3 of the Act. The repealed provisions relate to the granting of licences.

BILL 207

1973

An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Private Hospitals Act*, being ^{s. 1 (b),} chapter 361 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
- (2) The said section 1 is amended by adding thereto the ^{s. 1,} following subsection:
 - (2) A reference in this Act to the Commission shall be ^{References to} deemed to be a reference to the Minister. ^{Commission}
2. Section 3 of the said Act is repealed and the following sub- ^{s. 3,} stituted therefor: ^{re-enacted}
 - 3.—(1) No person shall use a house as a private hospital ^{Licence} except under the authority of a licence issued under this ^{required to} Act before the 29th day of October, 1973, or a renewal of ^{operate} such a licence. ^{private} ^{hospital}
 - (2) Where a house is used as a private hospital in con- ^{Offence} travention of subsection 1, the occupier and each person concerned in the management or operation of the house or in the admission thereto or treatment therein of any patient are severally guilty of an offence and on summary conviction are each liable to a fine of not less than \$100 and not more than \$500 for each day upon which such contravention occurs or continues.
- 3.—(1) Subsection 1 of section 5 of the said Act is repealed. ^{s. 5 (1),} ^{repealed}
- (2) Subsection 2 of the said section 5 is amended by striking ^{s. 5 (2),} out “until it has first received the approval of the Com- ^{amended} mission” in the third and fourth lines.

s. 5 (3, 4),
repealed

(3) Subsections 3 and 4 of the said section 5 are repealed.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proceedings
to prohibit
continuation
or repetition
of contraven-
tion

6.—(1) Where subsection 1 of section 3 or section 18 is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention and the judge may make the order and, where the judge considers it proper, may postpone the operation of the order for a period of not more than thirty days after the day of the making of the order to permit patients in the house to find alternative accommodation and vacate the premises, and the order may be enforced in the same manner as any other order or judgment of the Supreme Court.

Rescission or
variation of
order

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding the order.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Transfer
of licence

9. A licence under this Act is transferable only where the proposed transferee obtains the prior written consent of the Minister to the transfer, but the Minister shall not grant his consent to the transfer until he is satisfied by such evidence as he may require as to the good character and the fitness of the transferee to manage and operate the private hospital.

s. 11 (1) (a),
amended

6. Clause *a* of subsection 1 of section 11 of the said Act is amended by striking out "by complying with sections 5 and 6" in the second and third lines and inserting in lieu thereof "but the Minister shall not grant his consent to the transfer until he is satisfied by such evidence as he may require as to the good character and the fitness of the transferee to manage and operate the private hospital".

ss. 12a-12d,
enacted

7. The said Act is amended by adding thereto the following sections:

Refusal
to renew
or consent
to transfer
or revocation

12a.—(1) Where the Minister proposes to refuse to renew or consent to the transfer of a licence or proposes to revoke

SECTION 4. Section 6 of the Act relates to the granting of licences. The new section makes provision for application by the Minister to a judge of the Supreme Court for an order preventing the continuation or repetition of a contravention of the new section 3 or section 18 of the Act.

SECTION 5. The amendment sets out the standards to be considered in determining whether to consent to the transfer of a licence.

SECTION 6. See explanatory note for section 9 of the Act.

SECTION 7. Procedures are provided for hearings and appeals respecting refusal to renew a licence or to consent to its transfer and revocation of licences.

a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the licensee.

(2) A notice under subsection 1 shall inform the licensee that he is entitled to a hearing by the Health Facilities Appeal Board established under *The Ambulance Act* if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.

Notice
requiring
hearing
R.S.O. 1970,
c. 20

(3) Where a licensee does not require a hearing by the Health Facilities Appeal Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Powers of
Minister
where no
hearing

(4) Where a licensee requires a hearing by the Health Facilities Appeal Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Minister at the hearing, may by order direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Minister.

Powers of
Board where
hearing

(5) The Health Facilities Appeal Board may extend the time for the giving of notice requiring a hearing by a licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Extension
of time for
requiring
hearing

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

Parties

12b.—(1) The Minister or licensee who has required the hearing and such other persons as the Health Facilities Appeal Board may specify are parties to proceedings before the Board under this Act.

Notice of hearing

(2) Notice of a hearing under section 12a shall afford the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal, retention or transfer of the licence.

Examination of documentary evidence

(3) A licensee who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Health Facilities Appeal Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

SECTION 8. The new section 18 prohibits the expansion of private hospitals. The section also requires the approval of the Minister for the alteration or renovation of a private hospital and specifies the matters to be considered by the Minister in withholding his approval or in issuing his approval subject to terms and conditions.

12c.—(1) Any party to the proceedings before the Health Facilities Appeal Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Minister to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Minister or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

12d. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notice

8. Section 18 of the said Act is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) No person shall construct, add to or enlarge the patient bed capacity of any house that is or that is intended to be used as a private hospital. Construction, addition or enlargement prohibited

(2) No person shall alter or renovate a house that is used as a private hospital unless he has first obtained the approval in writing of the Minister for the alteration or renovation. Alteration or renovation

(3) The Minister may require an applicant for an approval under subsection 2 to submit to the Minister any plans, specifications and other information related to the alteration or renovation and, subject to subsection 4, the Minister may issue his approval in writing for the alteration or renovation. Minister may require material

Where
Minister
may refuse
approval
or impose
terms and
conditions

(4) The Minister may refuse to issue an approval under subsection 2 where he considers that it is not in the public interest to issue the approval or may issue his approval subject to such terms and conditions as he considers are in the public interest.

Matters to
be considered
by Minister

(5) In considering whether it is in the public interest under subsection 4 to refuse to issue an approval or to issue an approval subject to terms and conditions, the Minister shall take into account,

- (a) whether the proposed alteration or renovation will or will likely be prejudicial to the health, safety or welfare of the patients who are receiving or are likely to receive services or treatment in the private hospital; and
- (b) whether the proposed alteration or renovation will or will likely result in a contravention of this Act or the regulations or of any other Act or regulation that applies to a private hospital or of any municipal by-law related to the proposed alteration or renovation.

Number
of patients
not to be
increased

(6) The number of patients that is permitted by the licence issued under this Act in respect of a private hospital shall not be increased as the result of any alteration or renovation of the house that is used as the private hospital.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Private Hospitals Amendment Act, 1973*.

BILL 207

An Act to amend
The Private Hospitals Act

1st Reading

October 29th, 1973

2nd Reading

November 19th, 1973

3rd Reading

THE HON. R. T. POTTER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

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-B 56

Government
Publications

BILL 207

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Private Hospitals Act

THE HON. R. T. POTTER
Minister of Health



BILL 207

1973

An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Private Hospitals Act*, being s. 1 (b), chapter 361 of the Revised Statutes of Ontario, 1970, is repealed.

(2) The said section 1 is amended by adding thereto the s. 1, following subsection:

(2) A reference in this Act to the Commission shall be deemed to be a reference to the Minister. References to Commission

2. Section 3 of the said Act is repealed and the following substituted therefor: s. 3, re-enacted

3.—(1) No person shall use a house as a private hospital except under the authority of a licence issued under this Act before the 29th day of October, 1973, or a renewal of such a licence. Licence required to operate private hospital

(2) Where a house is used as a private hospital in contravention of subsection 1, the occupier and each person concerned in the management or operation of the house or in the admission thereto or treatment therein of any patient are severally guilty of an offence and on summary conviction are each liable to a fine of not less than \$100 and not more than \$500 for each day upon which such contravention occurs or continues. Offence

3.—(1) Subsection 1 of section 5 of the said Act is repealed. s. 5 (1), repealed

(2) Subsection 2 of the said section 5 is amended by striking out "until it has first received the approval of the Commission" in the third and fourth lines. s. 5 (2), amended

s. 5 (3, 4),
repealed

(3) Subsections 3 and 4 of the said section 5 are repealed.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proceedings
to prohibit
continuation
or repetition
of contraven-
tion

6.—(1) Where subsection 1 of section 3 or section 18 is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention and the judge may make the order and, where the judge considers it proper, may postpone the operation of the order for a period of not more than thirty days after the day of the making of the order to permit patients in the house to find alternative accommodation and vacate the premises, and the order may be enforced in the same manner as any other order or judgment of the Supreme Court.

Rescission or
variation of
order

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding the order.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Transfer
of licence

9. A licence under this Act is transferable only where the proposed transferee obtains the prior written consent of the Minister to the transfer, but the Minister shall not grant his consent to the transfer until he is satisfied by such evidence as he may require as to the good character and the fitness of the transferee to manage and operate the private hospital.

s. 11 (1) (a),
amended

6. Clause *a* of subsection 1 of section 11 of the said Act is amended by striking out "by complying with sections 5 and 6" in the second and third lines and inserting in lieu thereof "but the Minister shall not grant his consent to the transfer until he is satisfied by such evidence as he may require as to the good character and the fitness of the transferee to manage and operate the private hospital".

ss. 12a-12d,
enacted

7. The said Act is amended by adding thereto the following sections:

Refusal
to renew
or consent
to transfer
or revocation

12a.—(1) Where the Minister proposes to refuse to renew or consent to the transfer of a licence or proposes to revoke

a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the licensee.

(2) A notice under subsection 1 shall inform the licensee that he is entitled to a hearing by the Health Facilities Appeal Board established under *The Ambulance Act* if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Board and he may so require such a hearing.

Notice
requiring
hearing
R.S.O. 1970,
c. 20

(3) Where a licensee does not require a hearing by the Health Facilities Appeal Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Powers of
Minister
where no
hearing

(4) Where a licensee requires a hearing by the Health Facilities Appeal Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Minister at the hearing, may by order direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Minister.

Powers of
Board where
hearing

(5) The Health Facilities Appeal Board may extend the time for the giving of notice requiring a hearing by a licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Extension
of time for
requiring
hearing

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

Parties

12b.—(1) The Minister or licensee who has required the hearing and such other persons as the Health Facilities Appeal Board may specify are parties to proceedings before the Board under this Act.

Notice of hearing

(2) Notice of a hearing under section 12a shall afford the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal, retention or transfer of the licence.

Examination of documentary evidence

(3) A licensee who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Health Facilities Appeal Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

12c.—(1) Any party to the proceedings before the Health Facilities Appeal Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Minister to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Minister or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

12d. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notice

8. Section 18 of the said Act is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) No person shall construct, add to or enlarge the patient bed capacity of any house that is or that is intended to be used as a private hospital. Construction, addition or enlargement prohibited

(2) No person shall alter or renovate a house that is used as a private hospital unless he has first obtained the approval in writing of the Minister for the alteration or renovation. Alteration or renovation

(3) The Minister may require an applicant for an approval under subsection 2 to submit to the Minister any plans, specifications and other information related to the alteration or renovation and, subject to subsection 4, the Minister may issue his approval in writing for the alteration or renovation. Minister may require material

Where
Minister
may refuse
approval
or impose
terms and
conditions

(4) The Minister may refuse to issue an approval under subsection 2 where he considers that it is not in the public interest to issue the approval or may issue his approval subject to such terms and conditions as he considers are in the public interest.

Matters to
be considered
by Minister

(5) In considering whether it is in the public interest under subsection 4 to refuse to issue an approval or to issue an approval subject to terms and conditions, the Minister shall take into account,

- (a) whether the proposed alteration or renovation will or will likely be prejudicial to the health, safety or welfare of the patients who are receiving or are likely to receive services or treatment in the private hospital; and
- (b) whether the proposed alteration or renovation will or will likely result in a contravention of this Act or the regulations or of any other Act or regulation that applies to a private hospital or of any municipal by-law related to the proposed alteration or renovation.

Number
of patients
not to be
increased

(6) The number of patients that is permitted by the licence issued under this Act in respect of a private hospital shall not be increased as the result of any alteration or renovation of the house that is used as the private hospital.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Private Hospitals Amendment Act, 1973*.

An Act to amend
The Private Hospitals Act

1st Reading

October 29th, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 23rd, 1973

THE HON. R. T. POTTER
Minister of Health

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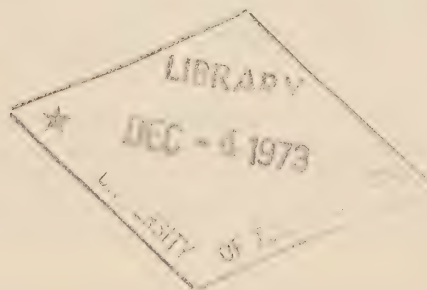
Publications

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Insurance Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Insurance Act*, being chapter ^{s. 14 (1),} 224 of the Revised Statutes of Ontario, 1970, is amended by ^{amended} striking out "that comes within the terms of sections 97 and 146" in the fifth line.
2. Paragraph 1 of subsection 1 of section 25 of the said Act ^{s. 25 (1), par. 1,} is amended by adding at the end thereof "and such contract ^{amended} made outside Ontario shall be deemed to include the benefits set forth in Schedule E".
3. Subsection 2 of section 28 of the said Act, as amended by ^{s. 28 (2),} the Statutes of Ontario, 1971, chapter 84, section 3, is further ^{amended} amended by striking out "subscribed and allotted capital stock" in the eleventh line and inserting in lieu thereof "paid up capital and surplus".
4. Section 30 of the said Act, as amended by the Statutes of ^{s. 30,} Ontario, 1972, chapter 66, section 3, is further amended by ^{amended} adding thereto the following subsection:

(3) When the Superintendent considers it necessary to ^{Paying} conduct an examination of the affairs of an applicant for a ^{cost of} licence, the applicant shall pay the costs of the examination ^{of an examination} upon receiving a statement thereof certified by the Superintendent.

5. The said Act is amended by adding thereto the following ^{s. 30a,} section: ^{enacted}

30a. Every licensed insurer shall file in the office of the Superintendent certified copies of every amendment, revision ^{Filing of} or consolidation of its Act or other instrument of incor- ^{changes in} poration or association and of its constitution, by-laws and ^{by-laws, etc.}

regulations verified in a manner satisfactory to the Superintendent within thirty days after the passing or adoption of the amendment, revision or consolidation.

s. 32,
amended

6. Section 32 of the said Act is amended by adding thereto the following subsection:

Name of
insurer

(2) The Minister may refuse to license an insurer where the name of the insurer is,

(a) the same as or similar to the name of another insurer and the assumption or use of the name in Ontario would be likely to deceive or mislead the public; or

(b) if the name of the insurer is objectionable on any public grounds.

s. 32a (1),
re-enacted

7. Subsection 1 of section 32a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 66, section 4, is repealed and the following substituted therefor:

Power of
attorney of
chief agent

(1) Every licensed insurer that has its head office outside Ontario shall file with the Superintendent an executed copy of a power of attorney from the insurer to a chief agent resident in Ontario.

s. 84 (7),
amended

8. Subsection 7 of section 84 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 84, section 4, is further amended by striking out "insured" in the amendment of 1971 and inserting in lieu thereof "insurer".

s. 85 (1),
amended

- 9.—(1) Subsection 1 of section 85 of the said Act is amended by inserting after "a" where it occurs the second time in the fourth line "provision in a".

s. 85 (8) (b),
re-enacted

- (2) Clause *b* of subsection 8 of the said section 85 is repealed and the following substituted therefor:

(b) prescribing the form, content, time of filing and delivery of information folders and the persons to whom information folders shall be delivered.

s. 86a,
enacted

10. The said Act is further amended by adding thereto the following section:

Distribution
of part of
profits to
participating
policyholders

86a.—(1) The directors of an insurer incorporated and licensed under the laws of Ontario to transact the business of life insurance as a joint stock insurance company may from time to time set apart such portion of the net profits

as they consider safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies ascertaining the part thereof that has been derived from participating policies and distinguishing that part from the profits derived from other sources.

(2) Notwithstanding anything to the contrary in any ^{Idem} letters patent of incorporation or contract, the holders of participating policies are entitled to share in that portion of the profits that has been distinguished as having been derived from participating policies (including a share of the profits arising from the sale of securities in the proportion of the mean participating fund to the mean total funds) to the extent of at least 90 per cent thereof in any year.

(3) in fixing or arriving at the amount of divisible profits, there may be included interest on the amount of the unimpaired paid up capital stock and on any other sum or sums from time to time standing to the credit of the shareholders after deducting any amounts expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and such interest may be allowed or credited to the shareholders at the average net rate of interest earned in the preceding year or other period under consideration upon the mean total funds of the company, but the shareholders are to be charged with a fair proportion of all losses incurred upon investments or other losses of a similar character in the proportion of the mean shareholders' funds to the mean total funds. ^{Interest on unimpaired paid up capital stock}

(4) This section does not interfere with the rights of the participating policyholders of an insurer referred to in sub-section 1 to share in the profits realized from the non-participating branch of its business in any case to which the policyholders are so entitled. ^{Rights of participating policyholders}

11. Subsections 1 and 3 of section 94 of the said Act are repealed ^{s. 94 (1, 3), re-enacted} and the following substituted therefor:

(1) Unless otherwise provided, every person who, knowingly, ^{General penalty}

(a) furnishes false information in any application under this Act or in any statement, return or answer required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

- (c) contravenes any provision of this Act or the regulations,

and every director or officer of an insurer who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(1a) Where an insurer is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the insurer is \$25,000 and not as provided therein.

Penalty for
carrying on
business
without a
licence

(3) Every person who,

- (a) undertakes insurance or carries on business as an insurer in Ontario;
- (b) acts on behalf of an insurer in Ontario; or
- (c) does or performs any one or more of the acts constituting the business of insurance,

in relation to any class of insurance without being licensed for that class, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

s. 95 (1, 2),
repealed

12.—(1) Subsections 1 and 2 of section 95 of the said Act are repealed.

s. 95 (3) (a),
re-enacted

(2) Clause *a* of subsection 3 of the said section 95 is repealed and the following substituted therefor:

- (a) requiring the payment of fees for licences and renewals of licences and in respect of any function performed by the Superintendent under this Act and prescribing the amounts thereof.

s. 95 (3),
amended

(3) Subsection 3 of the said section 95, as amended by the Statutes of Ontario, 1971, chapter 84, section 5, is further amended by adding thereto the following clause:

- (da) governing the advertising of insurance contracts or any class thereof including prescribing and regulating the form and content of advertisements and requiring their filing.

s. 140 (4),
amended

13.—(1) Subsection 4 of section 140 of the said Act is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsections 1 and 5".

- (2) Subsection 5 of the said section 140, as amended by the Statutes of Ontario, 1971, chapter 84, section 8, is further amended by inserting at the commencement thereof "Subject to subsection 4". s. 140 (5),
amended

14. Clause *a* of section 216 of the said Act is repealed. s. 216 (a),
repealed

15. The said Act is further amended by adding thereto the following section: s. 245a,
enacted

245a. Where a contract of accident insurance or sickness insurance issued after the 2nd day of November, 1973 includes a provision that a benefit is payable to an insured on account of his disability and the provision is conditional on the confinement of the insured, the condition does not bind the insured. Confinement
of accident
insurance
void

16. The said Act is further amended by adding thereto the following section: s. 246a,
enacted

246a.—(1) Where a contract of group accident and sickness insurance, or a benefit provision therein, is terminated, the insurer continues to be liable to pay to or in respect of any group person insured under the contract benefits under the contract relating to, Continuation
of accident
and sickness
insurance
where
contract
terminated

(a) loss of income because of disability; or

(b) death; or

(c) dismemberment,

arising from an accident or sickness that occurred before the termination of the contract or benefit provision as though the contract or benefit provision had remained in full force and effect; but the insurer is not liable to pay a benefit for loss of income because of disability in respect of the recurrence of disability arising from an accident or sickness that occurred before the termination of the contract or benefit provision if the recurrence occurs after the termination of the contract or benefit provision and after a period of ninety days, or such longer period as is provided in the contract, during which the group person insured was not disabled.

(2) Where a contract of group accident and sickness insurance (herein referred to as the "replacing contract") is entered into within thirty-one days of the termination of another contract of group accident and sickness insurance Preservation
of rights
where
contract
replaced

(herein referred to as the "other contract") and insures the same group or a part of the group insured under the other contract,

- (a) the replacing contract shall provide or shall be deemed to provide that any person who was insured under the other contract at the time of its termination is insured under the replacing contract from and after the termination of the other contract if,
 - (i) the insurance on that person under the other contract terminated solely by reason of the termination of the other contract, and
 - (ii) the person is a member of a class eligible for insurance under the replacing contract;
- (b) every person who was insured under the other contract and who is insured under the replacing contract is entitled to receive credit for satisfaction of any deductible earned before the effective date of the replacing contract; and
- (c) no person who was insured under the other contract shall be excluded from eligibility under the replacing contract solely because of not being actively at work on the effective date of the replacing contract.

s. 295 (5),
amended

- 17.** Subsection 5 of section 295 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 42, is further amended by striking out "and a copy thereof so certified by the Superintendent shall be filed by him in the office of the Minister" in the tenth, eleventh and twelfth lines and in the amendment of 1972.

s. 321 (1) (c),
amended

- 18.** Clause *c* of subsection 1 of section 321 of the said Act is amended by striking out "\$300" in the second line and inserting in lieu thereof "\$800".

s. 340,
re-enacted

- 19.** Section 340 of the said Act is repealed and the following substituted therefor:

Annual
tax

340. The attorney for a licensed exchange shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario an annual tax in respect of all premiums or deposits collected by the exchange of an amount equal to and calculated in the same manner as under section 143 of *The Corporations Tax Act, 1972* if such premiums or deposits

1972, c. 143

had been received by a licensed insurer, and payment thereof shall accompany the annual statement filed with the Superintendent.

- 20.** Section 355 of the said Act is amended by adding thereto the ^{s. 355,} ^{amended} following subsection:

(2) An agent or broker who acts in negotiating or renew- ^{Agent to}
ing or continuing a contract of insurance with a licensed ^{be deemed}
insurer, and who receives any money or substitute for ^{to hold}
money for payment to a person in respect of the contract ^{money in}
of insurance shall be deemed to hold such money in trust for ^{trust for}
the person entitled thereto, and, if he fails to pay the money ^{payee under}
over to such person within fifteen days after written ^{policy}
demand made upon him therefor, less his commission and
any deductions to which he is entitled, such failure is *prima*
facie evidence that he has used or applied the money for a
purpose other than paying it over to the person entitled.

- 21.** Schedule A to the said Act, as amended by the Statutes of ^{Sched. A,}
Ontario, 1972, chapter 66, section 16, is repealed. ^{repealed}

- 22.**—(1) This Act, except sections 14 and 21, comes into force on ^{Commence-}
the day it receives Royal Assent. ^{ment}

(2) Sections 14 and 21 come into force on a day to be ^{Idem}
named by the Lieutenant Governor by his proclamation.

- 23.** This Act may be cited as *The Insurance Amendment Act, 1973*. ^{Short title}

An Act to amend
The Insurance Act

1st Reading

November 2nd, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 23rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

CA20N

XB

-B56

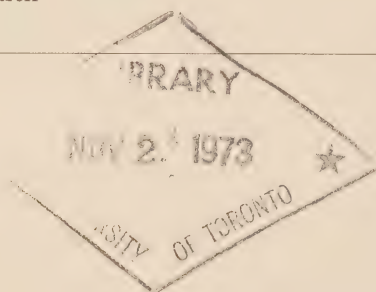
BILL 209

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Private Sanitaria Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Act repealed provides for the licensing and supervision of private sanatoria. The Bill entitled *An Act to Amend The Private Hospitals Act* provides for the continuation of private sanatoria licences as licences under *The Private Hospitals Act*.

BILL 209

1973

**An Act to repeal
The Private Sanitaria Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Sanitaria Act*, being chapter 363 of the <sup>Act,
repealed</sup> Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.
3. This Act may be cited as *The Private Sanitaria Repeal* ^{Short title} *Act, 1973*.

BILL 209

An Act to repeal
The Private Sanitaria Act

1st Reading

November 5th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

CA20N
XB
-B 56

Government
Publications

BILL 210

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Development Corporations Act, 1973

THE HON. C. BENNETT
Minister of Industry and Tourism



EXPLANATORY NOTES

SECTION 1. The amendment increases the maximum number of directors for Ontario Development Corporation from thirteen to fifteen.

SECTION 2. The amendment corrects an erroneous reference.

BILL 210

1973

**An Act to amend
The Development Corporations Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, is amended by striking out "thirteen" in the second line and inserting in lieu thereof "fifteen". <sup>s. 2 (1),
amended</sup>
2. Subsection 1 of section 12 of the said Act is amended by striking out "8" in the second line and inserting in lieu thereof "11". <sup>s. 12 (1),
amended</sup>
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Development Corporations Amendment Act, 1973*. ^{Short title}

BILL 210

An Act to amend
The Development Corporations
Act, 1973

1st Reading

November 5th, 1973

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Industry and Tourism

(Government Bill)

CA201
XB
-B56

BILL 210

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Development Corporations Act, 1973

THE HON. C. BENNETT
Minister of Industry and Tourism



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 210

1973

**An Act to amend
The Development Corporations Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, is amended by striking out "thirteen" in the second line and inserting in lieu thereof "fifteen". s. 2 (1),
amended
2. Subsection 1 of section 12 of the said Act is amended by striking out "8" in the second line and inserting in lieu thereof "11". s. 12 (1),
amended
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment
4. This Act may be cited as *The Development Corporations Amendment Act, 1973*. Short title

An Act to amend
The Development Corporations
Act, 1973

1st Reading

November 5th, 1973

2nd Reading

November 26th, 1973

3rd Reading

November 26th, 1973

THE HON. C. BENNETT
Minister of Industry and Tourism

CA201

XB

-B 56

Government
Publication

BILL 211

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Separate Schools Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment is to correct a reference.

SECTION 2. The new section provides for the vesting of and the disposition of property, the transfer of employment contracts and the representation on the separate school board where an area is transferred from the jurisdiction of one separate school board to the jurisdiction of another separate school board or is added to the area of jurisdiction of a separate school board.

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6a of section 80 of *The Separate Schools Act*, being ^{s. 80 (6a), amended} chapter 430 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 137, section 4, is amended by striking out "21" in the sixth line and inserting in lieu thereof "2l".
2. The said Act is amended by adding thereto the following ^{s. 86a, enacted} section:

86a.—(1) Where the boundaries of an area designated by ^{Alteration of boundaries;} the regulations under subsection 2 of section 81 are altered, ^{disposition of assets and liabilities} all lands and premises that,

- (a) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration;
- (b) are used as separate schools on the last school day preceding the effective date of such alteration; and
- (c) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board which shall determine the matters in dispute, and its decision is final.

Employment
contracts

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 2 of section 81 was required to perform his duties in a separate school that is vested under subsection 1 in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board.

Transfer
of trustee

(4) Subject to subsection 8, where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and
- (b) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 8 of section 90 at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 8 of section 90 as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

Composition
of board
reduced

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 2

of section 81 and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection 4, for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 2 of section 90.

(6) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in, ^{Trustee to represent transferred area}

- (a) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or
- (b) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

(7) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4. ^{Determination of trustee representation by enlarged board}

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held before the effective date on which the municipality or municipalities or part or parts thereof or territory without municipal organization is attached. ^{Application of subss. 4, 6, 7}

Area added to
Scarborough
to be under
M.S.S. Board
1973, c. 48

(9) The area added to the Borough of Scarborough by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1973*, shall, on and after the 1st day of January, 1974, be part of the district of which the separate schools are administered by the Metropolitan Separate School Board.

s. 90 (6) (a),
amended

3. Clause *a* of subsection 6 of section 90 of the said Act is amended by striking out "under subsection 2 of section 81" in the fifth and sixth lines.

s. 92.
amended

4.—(1) Section 92 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) Where, on the 31st day of December, 1973, a pupil is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Ministry of Education Act*, *The Schools Administration Act* or this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

R.S.O. 1970,
cc. 111, 424

s. 92 (3),
amended

(2) Subsection 3 of the said section 92 is amended by striking out "1" in the first line and inserting in lieu thereof "1, 1a".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Separate Schools Amendment Act, 1973*.

SECTION 3. The reference to the specific subsection is removed so that a determination of the number of trustees will be required in any case where the boundaries of the county or district combined separate school zone have been altered.

SECTION 4. The amendment permits a pupil to continue to attend the school that he attends on the 31st day of December, 1973, where such school is vested in another board effective on the 1st day of January, 1974.

An Act to amend
The Separate Schools Act

1st Reading

November 6th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

CA201 *House Assembly*
XB
-B 56

BILL 211

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Separate Schools Act

THE HON. T. L. WELLS
Minister of Education



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6a of section 80 of *The Separate Schools Act*, being ^{s. 80 (6a),} chapter 430 of the Revised Statutes of Ontario, 1970, as amended enacted by the Statutes of Ontario, 1972, chapter 137, section 4, is amended by striking out "21" in the sixth line and inserting in lieu thereof "2l".
2. The said Act is amended by adding thereto the following ^{s. 86a,} section: enacted

86a.—(1) Where the boundaries of an area designated by ^{Alteration of} the regulations under subsection 2 of section 81 are altered, ^{boundaries;} all lands and premises that, ^{disposition of} ^{assets and} ^{liabilities}

- (a) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration;
- (b) are used as separate schools on the last school day preceding the effective date of such alteration; and
- (c) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board which shall determine the matters in dispute, and its decision is final.

Employment
contracts

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 2 of section 81 was required to perform his duties in a separate school that is vested under subsection 1 in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board.

Transfer
of trustee

(4) Subject to subsection 8, where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

- (a) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and
- (b) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 8 of section 90 at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 8 of section 90 as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

Composition
of board
reduced

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 2

of section 81 and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection 4, for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 2 of section 90.

(6) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 2 of section 81 and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in,

Trustee to
represent
transferred
area

- (a) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or
- (b) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

(7) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

Determina-
tion of trustee
representa-
tion by
enlarged
board

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held before the effective date on which the municipality or municipalities or part or parts thereof or territory without municipal organization is attached.

Application
of subss. 4, 6, 7

Area added to
Scarborough
to be under
M.S.S. Board
1973, c. 48

(9) The area added to the Borough of Scarborough by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1973*, shall, on and after the 1st day of January, 1974, be part of the district of which the separate schools are administered by the Metropolitan Separate School Board.

s. 90 (6) (a),
amended

3. Clause *a* of subsection 6 of section 90 of the said Act is amended by striking out "under subsection 2 of section 81" in the fifth and sixth lines.

s. 92,
amended

4.—(1) Section 92 of the said Act is amended by adding thereto the following subsection:

Idem

(1*a*) Where, on the 31st day of December, 1973, a pupil is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Ministry of Education Act*, *The Schools Administration Act* or this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

s. 92 (3),
amended

(2) Subsection 3 of the said section 92 is amended by striking out "1" in the first line and inserting in lieu thereof "1, 1*a*".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Separate Schools Amendment Act, 1973*.

BILL 211

An Act to amend
The Separate Schools Act

1st Reading

November 6th, 1973

2nd Reading

November 20th, 1973

3rd Reading

November 20th, 1973

THE HON. T. L. WELLS
Minister of Education

CA20
XB
-B 56

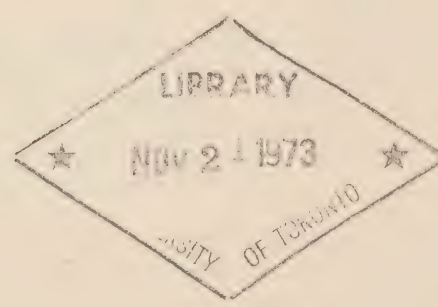
BILL 212

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Schools Administration Act

THE HON. T. L. WELLS
Minister of Education



EXPLANATORY NOTES

SECTION 1. The amendment guarantees the retention of the number of sick leave credits that have been accumulated by an employee and the termination of employment benefits of such employee when he is transferred from the employment of one board to that of another as a result of a change in the area of jurisdiction of a board.

SECTION 2. The amendment requires the approval of the Minister before a board may dispose of a building to any person other than another board.

BILL 212

1973

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2a) Notwithstanding subsection 2, where the contract of employment of an employee of a board has become an obligation of another board by or under any Act, the latter board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the system of sick leave credit gratuities of the first-mentioned board.

2. The said Act is amended by adding thereto the following section:

62.—(1) Notwithstanding any general or special Act, including *The Metropolitan Separate School Board Act, 1953*, a board shall not sell, lease or otherwise dispose of a building or part thereof other than to another board unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.

(2) Subsection 1 does not apply to the use of a building or part thereof pursuant to an agreement under section 36a or, where a building or part thereof is in use as a school, to the use of the building or part for any purpose that does not interfere with the proper conduct of the school.

3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Schools Administration Amendment Act, 1973 (No. 2)*.

An Act to amend
The Schools Administration Act

1st Reading

November 6th, 1973

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

CAZON
XB
-B 56

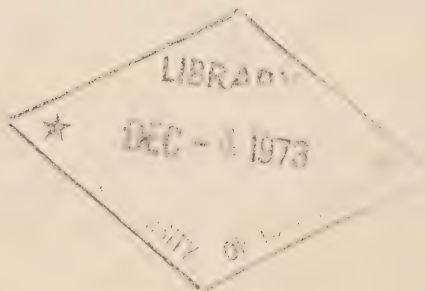
BILL 212

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Schools Administration Act

THE HON. T. L. WELLS
Minister of Education



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of *The Schools Administration Act*, being chapter ^{s. 44,} 424 of the Revised Statutes of Ontario, 1970, is amended by ^{amended} adding thereto the following subsection:

(2a) Notwithstanding subsection 2, where the contract ^{Where} of employment of an employee of a board has become an ^{transferred} obligation of another board by or under any Act, the latter ^{because of} board shall place to the credit of the employee the sick ^{change in} leave credits and the termination of employment benefits ^{jurisdiction} standing to his credit in the system of sick leave credit ^{of board} gratuities of the first-mentioned board.

2. The said Act is amended by adding thereto the following ^{s. 62,} section: ^{enacted}

62.—(1) Notwithstanding any general or special Act, ^{Disposal} including *The Metropolitan Separate School Board Act, 1953*, ^{of buildings} a board shall not sell, lease or otherwise dispose of a build- ^{1953, c. 119} ing or part thereof other than to another board unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.

(2) Subsection 1 does not apply to the use of a building ^{Exceptions} or part thereof pursuant to an agreement under section 36a or, where a building or part thereof is in use as a school, to the use of the building or part for any purpose that does not interfere with the proper conduct of the school.

3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
4. This Act may be cited as *The Schools Administration Amend-* ^{ment} ^{Short title} *ment Act, 1973 (No. 2)*.

An Act to amend
The Schools Administration Act

1st Reading

November 6th, 1973

2nd Reading

November 19th, 1973

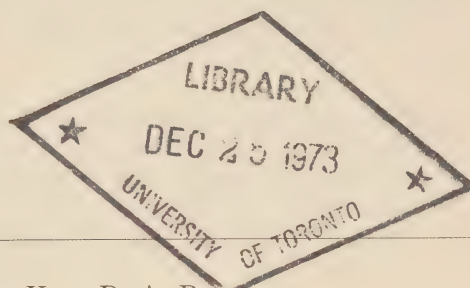
3rd Reading

November 19th, 1973

THE HON. T. L. WELLS
Minister of Education

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Dependants' Relief Act



THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Dependants' Relief Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Dependants' Relief Act*, being chapter 126 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ^{ss. 10a, 10b, enacted}

10a. Where an application is made under this Act and the applicant is in need of maintenance and is entitled to an allowance but any or all of the matters referred to in section 7 have not been ascertained by the judge, the judge may make an interim order for payment of such allowance as he considers appropriate. ^{Interim order}

10b. Where an order has been made under this Act, the judge may, at any subsequent time, inquire into any change in material circumstances or into the adequacy of the order and may discharge, vary or suspend the order or make such other order as he considers appropriate in the circumstances. ^{Variation of orders}

2. This Act applies in respect of all applications and orders for allowances, whether made before or after this Act comes into force. ^{Application}
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Dependants' Relief Amendment Act, 1973*. ^{Short title}

An Act to amend
The Dependants' Relief Act

1st Reading

November 6th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. D. A. BALES
Attorney General

CA20N

XB

-B 56

Government
Publication

BILL 214

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Conveyancing and Law of Property Act**

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendment provides that people who enter into registered retirement savings plans under the *Income Tax Act* (Canada) with trust companies or investment corporations will be able to designate beneficiaries to receive any payment to be made under the plan in the event of the planholder's death. The amendment will authorize a change in the designation of a beneficiary under a plan if that designation is made in accordance with the terms of the plan, and it will provide greater freedom for members of the public in their use of this increasingly popular method of providing an income upon retirement.

**An Act to amend
The Conveyancing and Law of Property Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act*, being chapter ^{s. 64, enacted} 85 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

64.—(1) In this section,

Interpre-
tation

- (a) “investment corporation” means a corporation that is approved by the Governor in Council for the purposes of section 146 of the *Income Tax Act* ^{1970-71, c. 63 (Can.)} (Canada) and that issues investment contracts as described in that section;
- (b) “planholder” means a person, not being a corporation, who has entered into a retirement savings plan with a trustee or with an investment corporation;
- (c) “retirement savings plan” means an arrangement that is defined to be a retirement savings plan by the *Income Tax Act* (Canada) for the purposes of that Act;
- (d) “trustee” means a corporation that is a trustee under a retirement savings plan.

(2) Where, in accordance with the terms of a retirement ^{Death of planholder} savings plan, a planholder has designated a person or persons to receive a benefit payable under the retirement savings plan in the event of the planholder’s death,

- (a) the trustee or the investment corporation that is a party to the plan is discharged upon paying to such person or persons the amount of the benefit;

- (b) such person or persons may, upon the death of the planholder, enforce payment of the benefit, but the trustee or investment corporation that is a party to the plan is entitled to set up any defence that the trustee or investment corporation could have set up against the planholder or his personal representatives.

Designation
of
beneficiary

(3) A planholder may from time to time make a designation, or alter or revoke a designation made, under a retirement savings plan, but any such making, alteration or revocation of a designation may be made only in the manner set forth in the retirement savings plan.

Exception
R.S.O. 1970,
c. 224

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1973*.

BILL 214

An Act to amend
The Conveyancing and Law
of Property Act

1st Reading

November 6th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

CA20N

XB

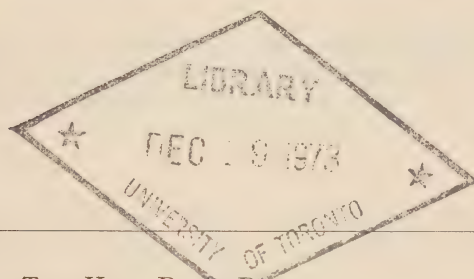
BILL 214

Government
Publications

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Conveyancing and Law of Property Act**



THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



**An Act to amend
The Conveyancing and Law of Property Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act*, being chapter <sup>s. 64,
enacted</sup> 85 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

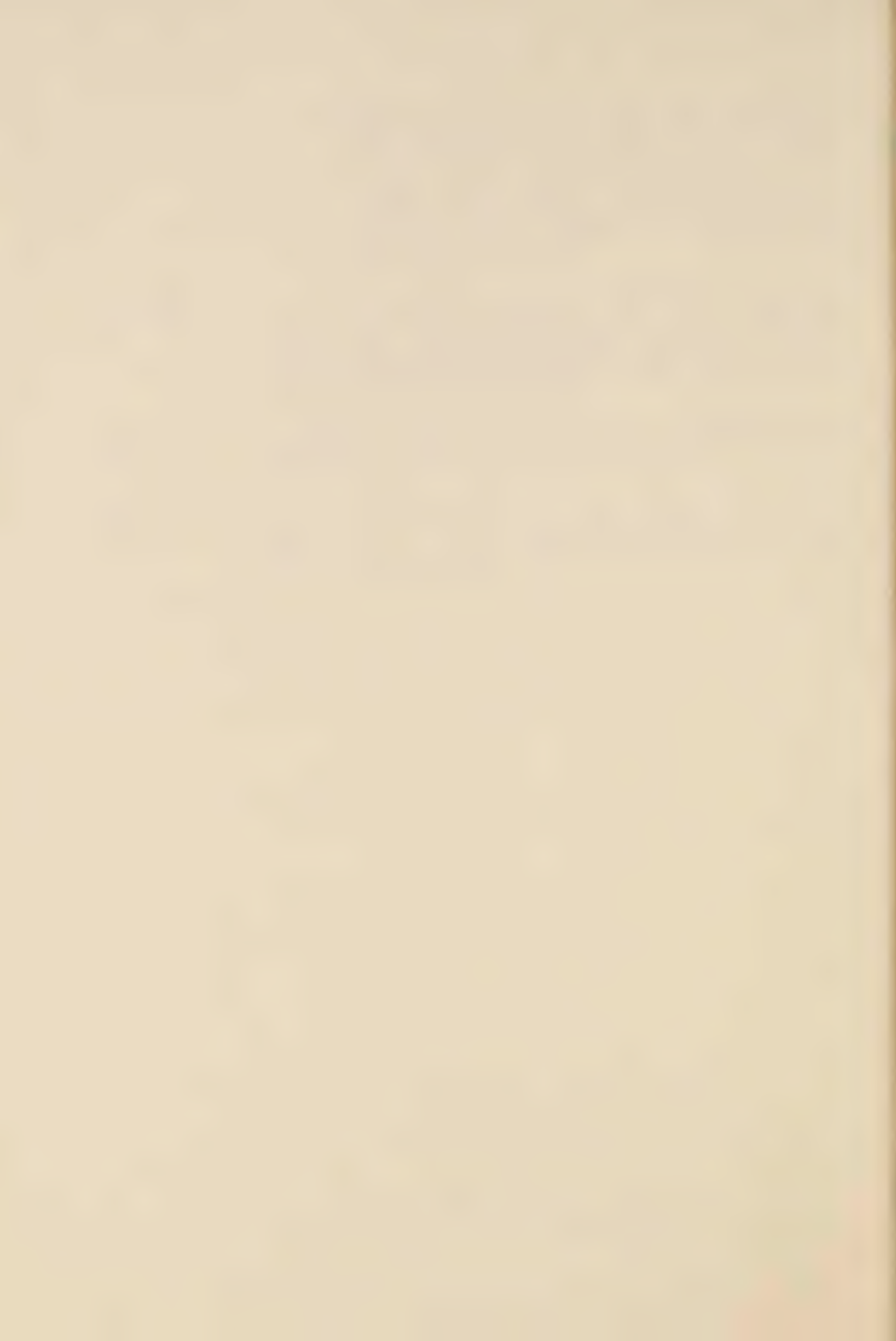
64.—(1) In this section,

Interpre-
tation

- (a) “investment corporation” means a corporation that is approved by the Governor in Council for the purposes of section 146 of the *Income Tax Act* <sup>1970-71,
c. 63 (Can.)</sup> (Canada) and that issues investment contracts as described in that section;
- (b) “planholder” means a person, not being a corporation, who has entered into a retirement savings plan with a trustee or with an investment corporation;
- (c) “retirement savings plan” means an arrangement that is defined to be a retirement savings plan by the *Income Tax Act* (Canada) for the purposes of that Act;
- (d) “trustee” means a corporation that is a trustee under a retirement savings plan.

(2) Where, in accordance with the terms of a retirement <sup>Death of
planholder</sup> savings plan, a planholder has designated a person or persons to receive a benefit payable under the retirement savings plan in the event of the planholder's death,

- (a) the trustee or the investment corporation that is a party to the plan is discharged upon paying to such person or persons the amount of the benefit;



BILL 214

An Act to amend
The Conveyancing and Law
of Property Act

1st Reading

November 6th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. D. A. BALES
Attorney General

CA20N *Assembly*

XB

-B-56

BILL 215

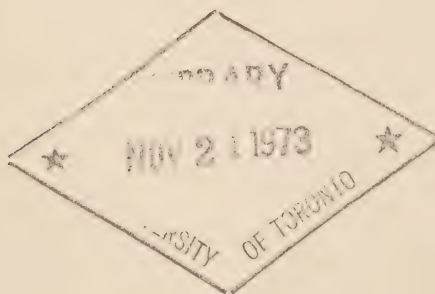
Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Deserted Wives' and Children's Maintenance Act**

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The provision repealed restricts the persons who may commence proceedings under the Act to wives, children and persons having custody of children and others only with the consent of the Crown attorney. The repeal permits informations to be laid by any person as in proceedings under *The Summary Convictions Act*.

BILL 215

1973

**An Act to amend
The Deserted Wives' and Children's
Maintenance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Deserted Wives' and Children's Maintenance Act*, being chapter 128 of the Revised Statutes of Ontario, 1970, is repealed.<sup>s. 6,
repealed</sup>
2. Form 1 of the said Act is amended by striking out "your wife (or child)" in the fifth line.<sup>Form 1,
amended</sup>
3. Form 2 of the said Act is amended by striking out "wife or child of A.B." in the sixth line.<sup>Form 2,
amended</sup>
4. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
5. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1973*.^{Short title}

An Act to amend
The Deserted Wives' and Children's
Maintenance Act

1st Reading

November 6th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CAZON *Legislative Assembly*
XB
-B 56

BILL 215

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Deserted Wives' and Children's Maintenance Act**

THE HON. D. A. BALES
Attorney General

BILL 215

1973

**An Act to amend
The Deserted Wives' and Children's
Maintenance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Deserted Wives' and Children's Main-*^{s. 6,}
tenance Act, being chapter 128 of the Revised Statutes of ^{repealed}
Ontario, 1970, is repealed.
2. Form 1 of the said Act is amended by striking out "your ^{Form 1,}
wife (*or* child)" in the fifth line. ^{amended}
3. Form 2 of the said Act is amended by striking out "wife ^{Form 2,}
or child of *A.B.*" in the sixth line. ^{amended}
4. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
5. This Act may be cited as *The Deserted Wives' and Children's* ^{Short title}
Maintenance Amendment Act, 1973.

An Act to amend
The Deserted Wives' and Children's
Maintenance Act

1st Reading

November 6th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. D. A. BATES
Attorney General

CA20N
XB

-B 56

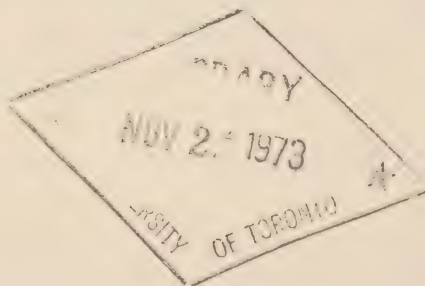
BILL 216

Government
Publications
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. MILLER



EXPLANATORY NOTE

The amendments would provide for compulsory insurance for all persons owning motor vehicles in the Province.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*, ^{s. 6 (1), re-enacted} being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, is repealed and the following substituted therefor:

(1) Every owner of a motor vehicle or trailer shall register it with the Ministry before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Ministry a fee for the registration of such motor vehicle or trailer and for the number plates therefor and shall, in the case of a motor vehicle, satisfy the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 218 of *The Insurance Act*. ^{Registration of motor vehicles} ^{R.S.O. 1970, c. 224}

- (2) The said section 6 is amended by adding thereto the following subsection: ^{s. 6, amended}

(3a) Except for a government or other body or person exempt from paying registration fees under the regulations or a municipality, the Registrar shall refuse to accept the registration of a permit for a motor vehicle unless the owner of the motor vehicle satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 218 of *The Insurance Act*. ^{Registrar may refuse to accept registration}

2. The following are repealed:

Repeals

1. *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970.
2. *The Motor Vehicle Accident Claims Amendment Act, 1973*, being chapter 13.
3. Sections 46 and 47 of *The Government Reorganization Act, 1972*, being chapter 1.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Highway Traffic Amendment Act, 1973*.

An Act to amend
The Highway Traffic Act

1st Reading

November 6th, 1973

2nd Reading

3rd Reading

MR. MILLER

(*Private Member's Bill*)

CA20N *As Amended*
XB
-B 56

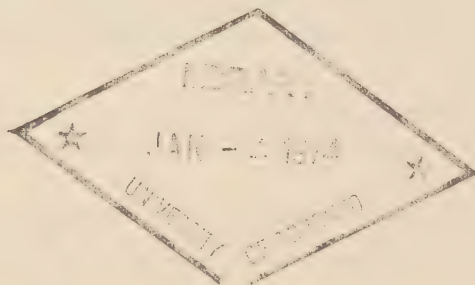
BILL 217

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Crown Attorneys Act

THE HON. D. A. BALES
Attorney General



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Crown Attorneys Act*, being chapter 101 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7,
re-enacted

7.—(1) The Attorney General may by order authorize persons appointed under *The Public Service Act* to be provincial prosecutors. Provincial
prosecutors
R.S.O. 1970,
c. 386

(2) A provincial prosecutor may be a person who is not a member of the bar. Qualifica-
tions

(3) A provincial prosecutor shall act anywhere in Ontario as directed by the Director of Crown attorneys of the Ministry of the Attorney General. Jurisdiction

(4) A provincial prosecutor shall conduct such prosecutions for offences punishable on summary conviction as are delegated to him by the Crown attorney for the county or provisional judicial district in which the provincial prosecutor acts and shall be subject to the direction and supervision of the Crown attorney. Duties

(5) Every provincial prosecutor before he enters upon his duties, shall take and subscribe before a Crown attorney the following oath: Oath

I swear that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of provincial prosecutor for Ontario without favour or affection to any party. So help me God.

2. Section 11 of the said Act is amended by inserting after "attorney" in the first line "and every provincial prosecutor". s. 11,
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Crown Attorneys Amendment Act, 1973 (No. 2)*. Short title

An Act to amend
The Crown Attorneys Act

1st Reading

November 8th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. D. A. BALES
Attorney General

CA20N

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-B 56

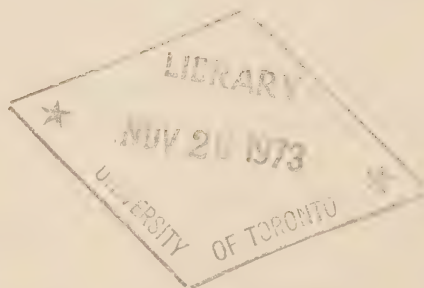
BILL 218

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Artificial Insemination of Cattle Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 218

1973

An Act to amend The Artificial Insemination of Cattle Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Artificial Insemination of Cattle Act*, being <sup>Title,
re-enacted</sup> chapter 30 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

THE ARTIFICIAL INSEMINATION OF LIVE STOCK ACT

- 2.—(1) Clause *a* of section 1 of the said Act is repealed and the <sup>s. 1 (a),
re-enacted</sup> following substituted therefor:

(a) “artificial insemination” means the depositing of semen in the genital tract of a domestic female live stock animal by a means other than the natural method.

- (2) Clause *aa* of the said section 1, as enacted by the <sup>s. 1 (aa),
re-enacted</sup> Statutes of Ontario, 1971, chapter 50, section 9, is repealed and the following substituted therefor:

(aa) “Board” means the Artificial Insemination of Live Stock Licence Review Board established by this Act.

- (3) Clause *c* of the said section 1 is repealed and the <sup>s. 1 (c),
re-enacted</sup> following substituted therefor:

(c) “Committee” means The Artificial Insemination of Live Stock Advisory Committee.

- (4) Clause *e* of the said section 1 is repealed and the <sup>s. 1 (e),
re-enacted</sup> following substituted therefor:

(e) “inseminator” means a person who engages in the process of artificial insemination.

s. 1,
amended

- (5) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 9, is further amended by adding thereto the following clause:

(*eb*) "live stock" means cattle, goats, horses, sheep or swine.

s. 1 (*h*),
re-enacted

- (6) Clause *h* of the said section 1 is repealed and the following substituted therefor:

(*h*) "semen-producing business" means a business that maintains one or more live stock animals from which it offers semen for sale for the purpose of artificial insemination;

(*i*) "semen processing supervisor" means a person who is responsible for the supervision of the collection, processing or identification of semen for the purpose of artificial insemination.

s. 3 (1),
re-enacted

3. Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor:

Appoint-
ment of
Committee

(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Live Stock Advisory Committee.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Licensing

6.—(1) No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner.

Only a
corporation
without share
capital
to hold a
licence

(2) No person, other than a corporation without share capital, shall hold a licence to engage in an inseminating business but nothing in this subsection affects a person who held such a licence prior to the day on which this subsection comes into force.

Classifica-
tion of
businesses

- (3) Semen-producing businesses are classified as follows:

1. Class "A" semen-producing businesses consisting of semen-producing businesses that are corporations without share capital.
2. Class "B" semen-producing businesses consisting of semen-producing businesses that are not corporations without share capital.

(4) All semen from every semen-producing business shall be collected, identified and processed only under the supervision of semen processing supervisors who are in the employ and under the direction of a Class "A" semen-producing business. ^{Collection of semen}

(5) Every Class "A" semen-producing business shall on request provide services to any Class "B" semen-producing business on such terms and conditions as are reasonable having regard to all of the circumstances, unless the Class "B" semen-producing business is in default in respect of any account for the services of semen processing supervisors. ^{Provision of services}

5. Section 7 of the said Act is repealed and the following substituted therefor: ^{s. 7, re-enacted}

7. No person shall commence or continue to act as an inseminator or semen processing supervisor without a licence therefor from the Commissioner. ^{Idem}

6. Subsection 1 of section 9*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 9, is amended by striking out "Cattle" in the second line and inserting in lieu thereof "Live Stock". ^{s. 9*d* (1), amended}

7. Section 10 of the said Act is repealed and the following substituted therefor: ^{s. 10, re-enacted}

10.—(1) No person shall sell or offer for sale any semen produced in Ontario from any male live stock animal unless the semen has been collected, identified and processed by a person licensed to engage in a semen-producing business under section 6. ^{Semen to be obtained from licensed producer}

(2) No person shall sell or offer for sale semen produced outside Ontario from any male live stock animal other than a person licensed to engage in an inseminating business under section 6. ^{Sale of semen}

8.—(1) Section 11 of the said Act is amended by adding thereto the following clauses: ^{s. 11, amended}

(*ba*) prescribing grounds for the refusal to renew, suspension or cancellation of licences in addition to those grounds referred to in clauses *a* and *b* of subsection 2 of section 9*a*;

- (da) requiring every semen-producing business to conduct such programs for the proving of the breeding value of any male live stock animals as the Commissioner may approve, and prohibiting use of semen from male live stock animals that have not taken part in any such program that is required or that have taken part in such a program but have not met the standards approved by the the Commissioner for the program.

s. 11 (*g, k, l*),
re-enacted

- (2) Clauses *g*, *k* and *l* of the said section 11 are repealed and the following substituted therefor:

- (g) prescribing the qualification and duties of inseminators and semen processing supervisors;

- (k) providing for the blood-typing of male live stock animals maintained by a semen-producing business and of male live stock animals from which semen is obtained by a semen-producing business;

- (l) providing for the verification of parentage of male live stock animals by blood-typing;

- (la) prescribing health standards of male live stock animals maintained by a semen-producing business and male live stock animals from which semen is obtained by a semen-producing business.

Commence-
ment

- 9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 10. This Act may be cited as *The Artificial Insemination of Cattle Amendment Act, 1973*.

An Act to amend
The Artificial Insemination
of Cattle Act

1st Reading

November 8th, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 19th, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N

XB

-B 56

BILL 219

Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Provincial Land Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

GENERAL. This Bill exempts from tax Indian lands occupied by people who are not members of a band or body of Indians. The Bill also proposes amendments to exempt municipally-owned property in unorganized territories, and the property of public hospitals. Also carried into the Act are certain provisions that were formerly incorporated by reference to *The Assessment Act*. These provisions relate to returns to be made by telephone and telegraph companies. The provisions, which were formerly in *The Assessment Act*, were repealed from that statute in 1972.

The Bill also allows taxpayers more time to pay the taxes imposed by the Act, and lengthens slightly the period preceding forfeiture of land for non-payment of tax.

SECTION 1. Defines "municipality".

SECTION 2.—Subsection 1. This amendment provides a full exemption for Indian lands, whether or not they are occupied by those who are members of a band or body of Indians.

Subsection 2. Exempts from taxation the property of municipalities, public commissions and local boards that is located in territory without municipal organization and also exempts lands owned by a public hospital.

An Act to amend The Provincial Land Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Land Tax Act*, being chapter ^{s. 1,} 370 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 91, is further amended by adding thereto the following clause:

(eb) “municipality” includes a district, metropolitan or regional municipality.
- 2.—(1) Paragraph 2 of subsection 1 of section 3 of the said ^{s. 3 (1), par. 2,} Act is amended by striking out “but not if occupied by a person who is not a member of a band or body of Indians” in the first, second and third lines.
- (2) Subsection 1 of the said section 3 is amended by ^{s. 3 (1),} adding thereto the following paragraphs:
 17. Land belonging to any municipality or vested in ^{Municipal} or controlled by any public commission or local ^{property, etc.} board as defined by *The Municipal Affairs Act*, ^{R.S.O. 1970,} wherever situate and whether occupied for the ^{c. 118} purposes thereof or unoccupied but not when occupied by a tenant or lessee who is liable to taxation under this Act.
 18. Buildings and grounds of and attached to or other- ^{Public} wise ^{hospitals} *bona fide* used in connection with and for the purposes of a public hospital receiving aid under *The Public Hospitals Act*, and all land ^{R.S.O. 1970,} owned and used by such a public hospital for ^{c. 378} farming purposes, but no land is exempt from assessment and taxation by virtue of this paragraph when occupied by any tenant or lessee who is liable to taxation under this Act.

s. 10 (7),
amended

3. Subsection 7 of section 10 of the said Act is amended by inserting after "lands" in the second line "other than lands held in trust for a band or body of Indians".

s. 11 (10),
re-enacted

4. Subsection 10 of section 11 of the said Act is repealed and the following substituted therefor:

Returns by
telegraph and
telephone
companies

(10) Every telegraph and telephone company doing business in Ontario shall, in respect of its wires and circuits in territory without municipal organization, on or before the 1st day of March in each year, transmit to the collector a statement in writing showing,

- (a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) in use by the company in such townships on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) whether or not in use by the company in such townships on the 31st day of December next preceding the assessment; and

- (b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) in use by the company in such townships on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) whether or not in use by the company in such townships on the 31st day of December next preceding the assessment.

s. 19,
re-enacted

5. Section 19 of the said Act is repealed and the following substituted therefor:

SECTION 3. The amendment excepts from taxation the portion of a pipe line located on Indian lands.

SECTION 4. This section carries into the Act certain repealed provisions of *The Assessment Act* that required returns from telephone and telegraph companies. *The Provincial Land Tax Act* now requires the same returns from these companies as they were required to give to an assessment commissioner under *The Assessment Act*. This amendment is necessary because these returns are no longer provided for in *The Assessment Act*.

SECTION 5. This section amends section 19 of the Act to reflect changes made by *The Assessment Review Court Act, 1972*.

SECTION 6. This amendment repeals provisions taxing the occupation of Indian lands by those who are not members of a band or body of Indians, and is consequential on the amendment made by section 2 (1) of the Bill.

SECTION 7. This section provides that tax is to be paid on March 15th rather than February 1st, and that tax bills are to be sent to taxpayers on February 15th rather than January 15th.

SECTION 8. This section provides that penalties and interest for non-payment of tax apply from April 1st rather than from March 1st. It also provides for the calculation of interest on unpaid tax on an annual rather than on a monthly basis.

SECTION 9. This section makes the same amendment to section 25 (7) as was made to section 24 by section 8 of this Bill.

SECTION 10. This section provides for three additional months before land is forfeited for non-payment of taxes.

19. The judge hearing any complaint under section 15 has the like powers, as nearly as may be, as in the case of a judge hearing appeals under *The Assessment Act* from decisions of the Assessment Review Court established under *The Assessment Review Court Act, 1972*, and, subject to this Act, the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act* for the hearing of appeals from decisions of the Assessment Review Court, except that the judge shall hear only those complaints that are included in the list of unresolved complaints required by section 20 unless the collector consents to the judge's hearing of any complaint that is not included on that list.

Powers of
judge
R.S.O. 1970,
c. 32
1972, c. 111

6. Subsection 3 of section 22 of the said Act is repealed.

s. 22 (3),
repealed

7. Subsection 1 of section 23 of the said Act is amended by striking out "1st day of February" in the third line and inserting in lieu thereof "15th day of March" and by striking out "January" in the sixth line and inserting in lieu thereof "February".

s. 23 (1),
amended

8. Section 24 of the said Act is amended by striking out "March" in the second line, sixth line, eighth line and ninth line and inserting in lieu thereof in each instance "April" and by striking out "one-half of 1 per cent per month for each month or fraction thereof" in the fifth and sixth lines and inserting in lieu thereof "6 per cent per annum".

s. 24,
amended

9. Subsection 7 of section 25 of the said Act is amended by striking out "one-half of 1 per cent per month for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "6 per cent per annum" and by striking out "March" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "April".

s. 25 (7),
amended

10.—(1) Subsection 1 of section 33 of the said Act is amended by striking out "31st day of August" in the third line and in the twelfth line and inserting in lieu thereof in each instance "30th day of November" and by striking out "September" in the fourteenth line and inserting in lieu thereof "December".

s. 33 (1),
amended

(2) Subsection 3 of the said section 33 is amended by striking out "31st day of August" in the seventh line and inserting in lieu thereof "30th day of November" and by striking out "September" in the tenth line and inserting in lieu thereof "December".

s. 33 (3),
amended

s. 33 (4),
amended

- (3) Subsection 4 of the said section 33 is amended by striking out "31st day of August" in the second line and inserting in lieu thereof "30th day of November" and by striking out "September" in the fifth line and inserting in lieu thereof "December".

s. 38,
amended

- 11.** Section 38 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 70, is further amended by adding thereto the following clause:

- (g) authorizing or requiring the Deputy Minister or any officer of the Ministry to exercise any power or perform any duty conferred or imposed by this Act upon the Minister, the Deputy Minister or the collector.

Commence-
ment

- 12.—**(1) This Act, except subsection 1 of section 2 and sections 3, 6, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 and sections 3 and 6 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

- (3) Sections 8 and 9 shall be deemed to have come into force on the 1st day of March, 1973.

Idem

- (4) Section 10 comes into force on the 1st day of January, 1974.

Short title

- 13.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1973*.

SECTION 11. This section enables the Lieutenant Governor in Council, by regulation, to assign the performance of administrative functions to officers of the Ministry other than the Minister, Deputy Minister or Collector of Land Tax.

An Act to amend
The Provincial Land Tax Act

1st Reading

November 8th, 1973

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

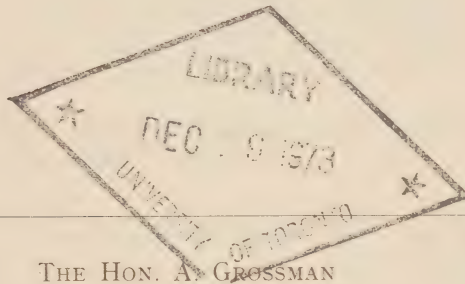
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BILL 219

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Provincial Land Tax Act



THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 219

1973

An Act to amend The Provincial Land Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Land Tax Act*, being chapter ^{s. 1,} 370 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 91, is further amended by adding thereto the following clause:

(eb) "municipality" includes a district, metropolitan or regional municipality.
- 2.—(1) Paragraph 2 of subsection 1 of section 3 of the said Act is amended by striking out "but not if occupied by a person who is not a member of a band or body of Indians" in the first, second and third lines. ^{s. 3 (1), par. 2,} amended
- (2) Subsection 1 of the said section 3 is amended by adding thereto the following paragraphs: ^{s. 3 (1),} amended
 17. Land belonging to any municipality or vested in or controlled by any public commission or local board as defined by *The Municipal Affairs Act*, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee who is liable to taxation under this Act. ^{Municipal property, etc.} ^{R.S.O. 1970, c. 118}
 18. Buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a public hospital receiving aid under *The Public Hospitals Act*, and all land owned and used by such a public hospital for farming purposes, but no land is exempt from assessment and taxation by virtue of this paragraph when occupied by any tenant or lessee who is liable to taxation under this Act. ^{Public hospitals} ^{R.S.O. 1970, c. 378}

s. 10 (7),
amended

3. Subsection 7 of section 10 of the said Act is amended by inserting after "lands" in the second line "other than lands held in trust for a band or body of Indians".

s. 11 (10),
re-enacted

4. Subsection 10 of section 11 of the said Act is repealed and the following substituted therefor:

Returns by
telegraph and
telephone
companies

(10) Every telegraph and telephone company doing business in Ontario shall, in respect of its wires and circuits in territory without municipal organization, on or before the 1st day of March in each year, transmit to the collector a statement in writing showing,

(a) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) in use by the company in such townships on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) whether or not in use by the company in such townships on the 31st day of December next preceding the assessment; and

(b) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) in use by the company in such townships on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of townships without municipal organization that adjoin townships with municipal organization) whether or not in use by the company in such townships on the 31st day of December next preceding the assessment.

s. 19,
re-enacted

5. Section 19 of the said Act is repealed and the following substituted therefor:

19. The judge hearing any complaint under section 15 has the like powers, as nearly as may be, as in the case of a judge hearing appeals under *The Assessment Act* from decisions of the Assessment Review Court established under *The Assessment Review Court Act, 1972*, and, subject to this Act, the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act* for the hearing of appeals from decisions of the Assessment Review Court, except that the judge shall hear only those complaints that are included in the list of unresolved complaints required by section 20 unless the collector consents to the judge's hearing of any complaint that is not included on that list.

Powers of
judge
R.S.O. 1970,
c. 32
1972, c. 111

6. Subsection 3 of section 22 of the said Act is repealed.

s. 22 (3),
repealed

7. Subsection 1 of section 23 of the said Act is amended by striking out "1st day of February" in the third line and inserting in lieu thereof "15th day of March" and by striking out "January" in the sixth line and inserting in lieu thereof "February".

s. 23 (1),
amended

8. Section 24 of the said Act is amended by striking out "March" in the second line, sixth line, eighth line and ninth line and inserting in lieu thereof in each instance "April" and by striking out "one-half of 1 per cent per month for each month or fraction thereof" in the fifth and sixth lines and inserting in lieu thereof "6 per cent per annum".

s. 24,
amended

9. Subsection 7 of section 25 of the said Act is amended by striking out "one-half of 1 per cent per month for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "6 per cent per annum" and by striking out "March" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "April".

s. 25 (7),
amended

10. —(1) Subsection 1 of section 33 of the said Act is amended by striking out "31st day of August" in the third line and in the twelfth line and inserting in lieu thereof in each instance "30th day of November" and by striking out "September" in the fourteenth line and inserting in lieu thereof "December".

s. 33 (1),
amended

(2) Subsection 3 of the said section 33 is amended by striking out "31st day of August" in the seventh line and inserting in lieu thereof "30th day of November" and by striking out "September" in the tenth line and inserting in lieu thereof "December".

s. 33 (3),
amended

s. 33 (4),
amended

- (3) Subsection 4 of the said section 33 is amended by striking out "31st day of August" in the second line and inserting in lieu thereof "30th day of November" and by striking out "September" in the fifth line and inserting in lieu thereof "December".

s. 38,
amended

- 11.** Section 38 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 70, is further amended by adding thereto the following clause:

- (g) authorizing or requiring the Deputy Minister or any officer of the Ministry to exercise any power or perform any duty conferred or imposed by this Act upon the Minister, the Deputy Minister or the collector.

Commence-
ment

- 12.—**(1) This Act, except subsection 1 of section 2 and sections 3, 6, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 and sections 3 and 6 shall be deemed to have come into force on the 1st day of January, 1973.

Idem

- (3) Sections 8 and 9 shall be deemed to have come into force on the 1st day of March, 1973.

Idem

- (4) Section 10 comes into force on the 1st day of January, 1974.

Short title

- 13.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1973*.

An Act to amend
The Provincial Land Tax Act

1st Reading

November 8th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. A. GROSSMAN
Minister of Revenue

CA20N

XB

-B 56

BILL 220

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The County Judges Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The authority to appoint a junior judge for the district of Cochrane is deleted.

SECTION 2. The present sections 5 and 16 of the Act overlap with some inconsistency. The repealed subject-matter of section 5 is included in section 16 (1) as rewritten. The new section 16 (2) clarifies that a judge may, with the approval of the chief judge, act in his own county in a matter in the jurisdiction of another county.

SECTION 3. The amendments include small claims courts and judges in the responsibilities of the chief judge. At present, any judges appointed solely as small claims courts judges are excluded.

SECTION 4. See explanatory note for section 2 of this Bill.

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, being ^{s. 3 (1),} amended chapter 95 of the Revised Statutes of Ontario, 1970, is amended by striking out "Cochrane" in the fourth line.
2. Subsection 1 of section 5 of the said Act is repealed. ^{s. 5 (1),} repealed
- 3.—(1) Subsection 4 of section 15 of the said Act is amended by ^{s. 15 (4),} amended striking out "including the surrogate and small claims courts where it is customary for the county or district court judge to act as judge of the surrogate court and the small claims court" in the third, fourth, fifth and sixth lines.
 - (2) The said section 15 is amended by adding thereto the ^{s. 15,} amended following subsection:
 - (9) For the purposes of this section, a reference to a court ^{Small claims and surrogate} or a judge of a county or district court ^{courts and} district includes ^{judges} the small claims courts and surrogate courts in the county or district court district and the judges thereof, respectively.
4. Section 16 of the said Act is repealed and the following sub- ^{s. 16,} re-enacted stituted therefor:
 - 16.—(1) A judge or junior judge may perform any judicial ^{Jurisdiction} or other function or duty or exercise any power in any ^{outside} county or district in the same manner and to the same ^{county or} effect as a judge of that county or district. ^{district}
 - (2) Any judge or junior judge, with the approval of the ^{Idem} chief judge, may perform any judicial or other function or duty or exercise any power under subsection 1 notwithstanding that he is not present in the county or district.

s. 18,
enacted

- 5.** The said Act is amended by adding thereto the following section:

Judgment
after
leaving
office

18. Where a judge resigns his office or is appointed to any other court or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The County Judges Amendment Act, 1973*.

SECTION 5. Self-explanatory.

An Act to amend
The County Judges Act

1st Reading

November 9th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CA20N

XB

-B56

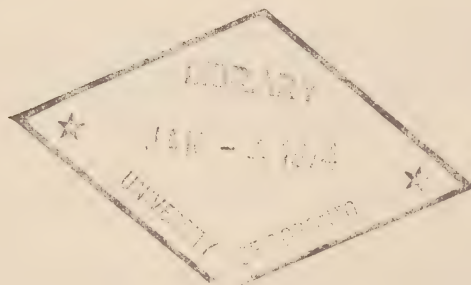
BILL 220

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The County Judges Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 220

1973

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, being s. 3 (1), chapter 95 of the Revised Statutes of Ontario, 1970, is amended by striking out "Cochrane" in the fourth line. ^{amended}
2. Subsection 1 of section 5 of the said Act is repealed. ^{s. 5 (1), repealed}
- 3.—(1) Subsection 4 of section 15 of the said Act is amended by striking out "including the surrogate and small claims courts where it is customary for the county or district court judge to act as judge of the surrogate court and the small claims court" in the third, fourth, fifth and sixth lines. ^{s. 15 (4), amended}
- (2) The said section 15 is amended by adding thereto the ^{s. 15, amended} following subsection:
 - (9) For the purposes of this section, a reference to a court or a judge of a county or district court district includes the small claims courts and surrogate courts in the county or district court district and the judges thereof, respectively. ^{Small claims and surrogate courts and judges}
4. Section 16 of the said Act is repealed and the following sub-stituted therefor: ^{s. 16, re-enacted}
 - 16.—(1) A judge or junior judge may perform any judicial or other function or duty or exercise any power in any county or district in the same manner and to the same effect as a judge of that county or district. ^{Jurisdiction outside county or district}
 - (2) Any judge or junior judge, with the approval of the chief judge, may perform any judicial or other function or duty or exercise any power under subsection 1 notwithstanding that he is not present in the county or district. ^{Idem}

s. 18,
enacted

- 5.** The said Act is amended by adding thereto the following section:

Judgment
after
leaving
office

18. Where a judge resigns his office or is appointed to any other court or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

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An Act to amend
The County Judges Act

1st Reading

November 9th, 1973

2nd Reading

November 29th, 1973

3rd Reading

November 29th, 1973

THE HON. D. A. BALES
Attorney General

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Pharmacy Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The fee categories for managers and directors of corporations operating pharmacies are removed from the Act and provision is added for different fees for pharmaceutical chemists sixty-five years of age and over.

SECTION 2. The authority of the Council of The Ontario College of Pharmacy to make regulations is expanded to provide for the continuing education of members of the College.

SECTION 3. Section 31 of the Act, dealing with standards for pharmacies, is revised to provide for the accreditation of pharmacies.

BILL 221

1973

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Pharmacy Act*, being chapter <sup>s. 22 (1),
re-enacted</sup> 348 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) There is payable to the registrar for the use of the ^{Fees} College on such date in each year as is fixed by by-law such annual fees as the regulations prescribe,

- (a) by every pharmaceutical chemist under sixty-five years of age;
- (b) by every pharmaceutical chemist sixty-five years of age or over; and
- (c) for each pharmacy, by the person or corporation that operates the pharmacy.

2. Section 26 of the said Act is amended by adding thereto <sup>s. 26,
amended</sup> the following clause:

- (i) providing for a program of continuing education of pharmaceutical chemists to maintain the standard of competence of pharmaceutical chemists and requiring pharmaceutical chemists to participate in such continuing education.

3. Section 31 of the said Act is repealed and the following <sup>s. 31,
re-enacted</sup> substituted therefor:

31.—(1) The Council, subject to the approval of the <sup>Accredita-
tion
standards</sup> Lieutenant Governor in Council, may make regulations prescribing standards for the accreditation of pharmacies including standards for the maintenance, operation, space, equipment and facilities of pharmacies.

Certificate of
accreditation

(2) On receipt of a certificate signed by the owner and the manager of a pharmacy stating that a pharmacy complies with the standards for accreditation of pharmacies prescribed by the regulations, the registrar shall issue a certificate of accreditation of the pharmacy.

Offence

(3) No person or corporation shall operate a pharmacy unless a certificate of accreditation of the pharmacy has been issued.

Proviso

(4) Subsection 3 shall not apply with respect to a pharmacy that is being operated immediately before this section comes into force until the expiration of three months after the day this section comes into force.

s. 32,
amended

4. Section 32 of the said Act is amended by adding thereto the following subsection:

Cancellation
or suspension
of
accreditation

(8) The discipline committee may suspend or cancel the accreditation of any pharmacy if it finds after a hearing that the provisions of this Act or the regulations with respect to accreditation are not complied with, and subsections 2, 3, 5, 6 and 7 of this section and subsections 1 and 2 of section 33 shall apply *mutatis mutandis* thereto.

s. 34,
re-enacted

5. Section 34 of the said Act is repealed and the following substituted therefor:

Cancellation
of registra-
tion or
accreditation
for failure
to pay fees

34. Where,

(a) a pharmaceutical chemist has not paid any annual fee as required by clause *a* or *b* of subsection 1 of section 22; or

(b) a person or corporation has not paid any annual fee as required by clause *c* of subsection 1 of section 22,

within fifteen days after the date it was payable, the registrar may give the pharmaceutical chemist, person or corporation notice of such default by registered mail sent to the last address of the pharmaceutical chemist, person or corporation appearing in the records of the registrar, and if the default continues for fifteen days thereafter the Council may direct,

(c) in the case of the non-payment of an annual fee referred to in clause *a* or *b*, that the registration of the pharmaceutical chemist be cancelled; or

SECTION 4. Provision is made for the suspension or cancellation of the accreditation of a pharmacy after a hearing.

SECTION 5. The amendment adds to the section power to cancel the registration of a pharmaceutical chemist for non-payment of an annual fee and power to cancel the accreditation of a pharmacy for non-payment of an annual fee for the pharmacy.

SECTION 6. The amendment is complementary to the revision of section 31 of the Act.

- (d) in the case of the non-payment of an annual fee referred to in clause c, that the accreditation of the pharmacy in respect of which the default continues be cancelled,

and the registrar shall note such cancellation in the register or in the accreditation records, as the case requires, and any certificate of such registration or accreditation issued under this Act is thereby cancelled.

6. Subsection 2 of section 42 of the said Act is repealed. s. 42 (2),
repealed
7. This Act comes into force on the day it receives Royal Assent. Commence-
ment
8. This Act may be cited as *The Pharmacy Amendment Act*, Short title
1973.

An Act to amend
The Pharmacy Act

1st Reading

November 12th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Pharmacy Act

THE HON. R. T. POTTER
Minister of Health



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The fee categories for managers and directors of corporations operating pharmacies are removed from the Act and provision is added for different fees for pharmaceutical chemists sixty-five years of age and over.

SECTION 2. The authority of the Council of The Ontario College of Pharmacy to make regulations is expanded to provide for the continuing education of members of the College.

SECTION 3. Provision is made for the accreditation of pharmacies.

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Pharmacy Act*, being chapter <sup>s. 22 (1),
re-enacted</sup> 348 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) There is payable to the registrar for the use of the ^{Fees} College on such date in each year as is fixed by by-law such annual fees as the regulations prescribe,

- (a) by every pharmaceutical chemist under sixty-five years of age;
- (b) by every pharmaceutical chemist sixty-five years of age or over; and
- (c) for each pharmacy, by the person or corporation that operates the pharmacy.

2. Section 26 of the said Act is amended by adding thereto <sup>s. 26,
amended</sup> the following clause:

- (i) providing for a program of continuing education of pharmaceutical chemists to maintain the standard of competence of pharmaceutical chemists and requiring pharmaceutical chemists to participate in such continuing education.

3. Section 31 of the said Act is repealed and the following substituted therefor:

31.—(1) The Council, subject to the approval of the <sup>Accredita-
tion
standards</sup> Lieutenant Governor in Council, may make regulations prescribing standards for the accreditation of pharmacies including standards for the maintenance, operation, space, equipment and facilities of pharmacies.

Certifica-
tion of
accreditation

(2) No person shall establish or operate a pharmacy unless a certificate of accreditation has been issued in respect thereof.

Issuance

(3) The Registrar shall issue a certificate of accreditation and renewals thereof to any applicant therefor where the applicant and the pharmacy and its proposed operation qualify under this Act and the regulations.

Application
of
subsection 2

(4) Subsection 2 does not apply to a pharmacy being operated on the day section 3 of *The Pharmacy Amendment Act, 1973* comes into force until the expiration of three months thereafter.

Notice of
proposal
to refuse

31a.—(1) Where the Registrar proposes to refuse to issue or renew an accreditation certificate, he shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Infringement Committee established under the by-laws of the College if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Committee and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant does not require a hearing by the Infringement Committee in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Committee
where
hearing

(4) Where an applicant requires a hearing by the Infringement Committee in accordance with subsection 2, the Committee shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Committee considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Committee may substitute its opinion for that of the Registrar.

Extension
of time for
requiring
hearing

(5) The Infringement Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Committee may give such

directions as it considers proper consequent upon the extension.

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his accreditation certificate, a person has applied for the renewal of the accreditation certificate and paid the prescribed fee, the accreditation certificate shall be deemed to continue, ^{Continuation of accreditation pending renewal}

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Infringement Committee has expired and, where a hearing is required, until the Committee has made its decision.

31b.—(1) The Registrar, the applicant who has required the hearing and such other persons as the Infringement Committee may specify are parties to proceedings before the Committee under this Act. ^{Parties}

(2) Notice of a hearing under section 31a shall afford the applicant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or renewal of the accreditation certificate. ^{Notice of hearing}

(3) An applicant who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

(4) Members of the Infringement Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. ^{Members holding hearing not to have taken part in investigation, etc.}

(5) The oral evidence taken before the Infringement Committee at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. ^{Recording of evidence}

Findings
of fact

(6) The findings of fact of the Infringement Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Infringement Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Committee shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

31c.—(1) Any party to the proceedings before the Infringement Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Infringement Committee, the Committee shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Committee's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Infringement Committee and may exercise all powers of the Committee to direct the Registrar to take any action which the Committee may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Registrar or of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
notice

31d. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

SECTION 4. Provision is made for the suspension or cancellation of the accreditation of a pharmacy after a hearing.

SECTION 5. The amendment adds to the section power to cancel the registration of a pharmaceutical chemist for non-payment of an annual fee and power to cancel the accreditation of a pharmacy for non-payment of an annual fee for the pharmacy.

SECTION 6. The amendment is complementary to the revision of section 31 of the Act.

4. Section 32 of the said Act is amended by adding thereto <sup>s. 32,
amended</sup> the following subsection:

(8) The discipline committee may suspend or cancel the accreditation of any pharmacy if it finds after a hearing that the provisions of this Act or the regulations with respect to accreditation are not complied with, and subsections 2, 3, 5, 6 and 7 of this section and subsections 1 and 2 of section 33 shall apply *mutatis mutandis* thereto. <sup>Cancellation
or suspension
of
accreditation</sup>

5. Section 34 of the said Act is repealed and the following <sup>s. 34,
re-enacted</sup> substituted therefor:

34. Where,

- (a) a pharmaceutical chemist has not paid any annual fee as required by clause *a* or *b* of subsection 1 of section 22; or <sup>Cancellation
of registra-
tion or
accreditation
for failure
to pay fees</sup>
- (b) a person or corporation has not paid any annual fee as required by clause *c* of subsection 1 of section 22,

within fifteen days after the date it was payable, the registrar may give the pharmaceutical chemist, person or corporation notice of such default by registered mail sent to the last address of the pharmaceutical chemist, person or corporation appearing in the records of the registrar, and if the default continues for sixty days the Council may direct,

- (c) in the case of the non-payment of an annual fee referred to in clause *a* or *b*, that the registration of the pharmaceutical chemist be cancelled; or
- (d) in the case of the non-payment of an annual fee referred to in clause *c*, that the accreditation of the pharmacy in respect of which the default continues be cancelled,

and the registrar shall note such cancellation in the register or in the accreditation records, as the case requires, and any certificate of such registration or accreditation issued under this Act is thereby cancelled.

6. Subsection 2 of section 42 of the said Act is repealed. <sup>s. 42 (2),
repealed</sup>
7. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
8. This Act may be cited as *The Pharmacy Amendment Act*, ^{Short title} 1973.

An Act to amend
The Pharmacy Act

1st Reading

November 12th, 1973

2nd Reading

November 19th, 1973

3rd Reading

THE HON. R. T. POTTER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

CA20N

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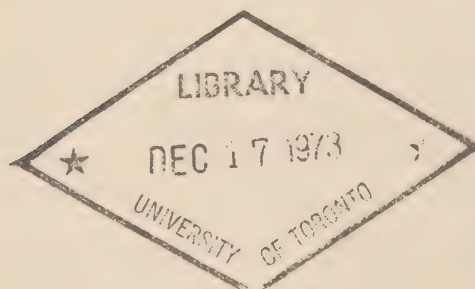
BILL 221

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Pharmacy Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 221

1973

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Pharmacy Act*, being chapter <sup>s. 22 (1),
re-enacted</sup> 348 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) There is payable to the registrar for the use of the ^{Fees} College on such date in each year as is fixed by by-law such annual fees as the regulations prescribe,

- (a) by every pharmaceutical chemist under sixty-five years of age;
- (b) by every pharmaceutical chemist sixty-five years of age or over; and
- (c) for each pharmacy, by the person or corporation that operates the pharmacy.

2. Section 26 of the said Act is amended by adding thereto <sup>s. 26,
amended</sup> the following clause:

- (i) providing for a program of continuing education of pharmaceutical chemists to maintain the standard of competence of pharmaceutical chemists and requiring pharmaceutical chemists to participate in such continuing education.

3. Section 31 of the said Act is repealed and the following substituted therefor:

31.—(1) The Council, subject to the approval of the <sup>Accredita-
tion
standards</sup> Lieutenant Governor in Council, may make regulations prescribing standards for the accreditation of pharmacies including standards for the maintenance, operation, space, equipment and facilities of pharmacies.

Certifica-
tion of
accreditation

(2) No person shall establish or operate a pharmacy unless a certificate of accreditation has been issued in respect thereof.

Issuance

(3) The Registrar shall issue a certificate of accreditation and renewals thereof to any applicant therefor where the applicant and the pharmacy and its proposed operation qualify under this Act and the regulations.

Application
of
subsection 2

(4) Subsection 2 does not apply to a pharmacy being operated on the day section 3 of *The Pharmacy Amendment Act, 1973* comes into force until the expiration of three months thereafter.

Notice of
proposal
to refuse

31a.—(1) Where the Registrar proposes to refuse to issue or renew an accreditation certificate, he shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Infringement Committee established under the by-laws of the College if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Committee and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant does not require a hearing by the Infringement Committee in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Committee
where
hearing

(4) Where an applicant requires a hearing by the Infringement Committee in accordance with subsection 2, the Committee shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Committee considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Committee may substitute its opinion for that of the Registrar.

Extension
of time for
requiring
hearing

(5) The Infringement Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Committee may give such

directions as it considers proper consequent upon the extension.

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his accreditation certificate, a person has applied for the renewal of the accreditation certificate and paid the prescribed fee, the accreditation certificate shall be deemed to continue, Continuation of accreditation pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Infringement Committee has expired and, where a hearing is required, until the Committee has made its decision.

31b.—(1) The Registrar, the applicant who has required the hearing and such other persons as the Infringement Committee may specify are parties to proceedings before the Committee under this Act. Parties

(2) Notice of a hearing under section 31a shall afford the applicant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or renewal of the accreditation certificate. Notice of hearing

(3) An applicant who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Infringement Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Infringement Committee at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

Findings
of fact

(6) The findings of fact of the Infringement Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Infringement Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Committee shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

31c.—(1) Any party to the proceedings before the Infringement Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Infringement Committee, the Committee shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Committee's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Infringement Committee and may exercise all powers of the Committee to direct the Registrar to take any action which the Committee may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Registrar or of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
notice

31d. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

4. Section 32 of the said Act is amended by adding thereto the following subsection: s. 32, amended

(8) The discipline committee may suspend or cancel the accreditation of any pharmacy if it finds after a hearing that the provisions of this Act or the regulations with respect to accreditation are not complied with, and subsections 2, 3, 5, 6 and 7 of this section and subsections 1 and 2 of section 33 shall apply *mutatis mutandis* thereto. Cancellation or suspension of accreditation

5. Section 34 of the said Act is repealed and the following substituted therefor: s. 34, re-enacted

34. Where,

- (a) a pharmaceutical chemist has not paid any annual fee as required by clause *a* or *b* of subsection 1 of section 22; or Cancellation of registration or accreditation for failure to pay fees
- (b) a person or corporation has not paid any annual fee as required by clause *c* of subsection 1 of section 22,

the registrar shall give the pharmaceutical chemist, person or corporation notice of such default and, if the default continues for sixty days after such notice, the Council may direct,

- (c) in the case of the non-payment of an annual fee referred to in the said clause *a* or *b*, that the registration of the pharmaceutical chemist be cancelled; or
- (d) in the case of the non-payment of an annual fee referred to in the said clause *c*, that the accreditation of the pharmacy in respect of which the default continues be cancelled,

and the registrar shall note such cancellation in the register or in the accreditation records, as the case requires, and any certificate of such registration or accreditation issued under this Act is thereby cancelled.

6. Subsection 2 of section 42 of the said Act is repealed. s. 42 (2), repealed
7. This Act comes into force on the day it receives Royal Assent. Commencement
8. This Act may be cited as *The Pharmacy Amendment Act, 1973*. Short title

BILL 221

An Act to amend
The Pharmacy Act

1st Reading

November 12th, 1973

2nd Reading

November 19th, 1973

3rd Reading

November 23rd, 1973

THE HON. R. T. POTTER
Minister of Health

CA20N
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-B56

/ BILL 222

Government
Publication
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The amendment corrects a reference.

SECTION 2. The member of the council of the Township of Wilmot elected by general vote sits on the Regional Council as do the eight members of the Kitchener council who receive the highest number of votes at the last election; the amendment excepts those municipalities from the requirement of electing their members to the Regional Council at the first meeting of each new council.

SECTION 3. The amendment brings the section into line with the provisions of *The Municipal Conflict of Interest Act, 1972*.

SECTION 4. The amendment empowers the Minister to alleviate any hardship experienced by reason of the transfer of an employee's pension rights and sick leave credits on his being employed by a new municipality or board following the restructuring brought about by regional government.

SECTION 5. Self-explanatory.

BILL 222

1973

An Act to amend The Regional Municipality of Waterloo Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of section 1 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended by striking out "91" in the third line and inserting in lieu thereof "133". s. 1 (l),
amended

- 2.—(1) Clause *f* of subsection 1 of section 8 of the said Act is amended by striking out "one" in the first line and inserting in lieu thereof "the". s. 8 (1) (f),
amended

 (2) Subsection 3 of the said section 8 is amended by inserting after "municipality" in the second line "except the City of Kitchener and the Township of Wilmot". s. 8 (3),
amended

3. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". s. 23 (4),
amended

4. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 1, is further amended by adding thereto the following subsection:

(11a) Where, under the provisions of this section, any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

s. 27,
amended

Pension
rights and
sick leave
credits

5. Section 90 of the said Act is amended by adding thereto the following subsection: s. 90,
amended

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

s. 115 (1),
amended

6.—(1) Subsection 1 of section 115 of the said Act is amended by striking out "subsections 2 to 7" in the sixth line and inserting in lieu thereof "subsections 5 and 11a".

s. 115 (3) (b),
re-enacted

(2) Clause *b* of subsection 3 of the said section 115 is repealed and the following substituted therefor:

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years.

s. 115,
amended

(3) The said section 115 is amended by adding thereto the following subsections:

Retirement
of
civilians

(3a) Every civilian employee and assistant of the Waterloo Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years.

Application
of R.S.O. 1970,
c. 284, s. 239

(6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Waterloo Police Board.

s. 133,
amended

7. Section 133 of the said Act is amended by adding thereto the following subsection:

Idem

(5a) The signature of the chairman or any other person authorized to sign promissory notes, may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 143 (6),
amended

8. Subsection 6 of section 143 of the said Act is amended by striking out "2" in the third line and inserting in lieu thereof "1".

s. 158 (1),
amended

9.—(1) Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3, is further amended by striking out "and 24" in the second line and inserting in lieu thereof "24 and 46".

SECTION 6. The amendments modify the retirement provisions for members of the police force to provide that policemen retire at sixty and civilian employees at sixty-five. In addition, councils may make retirement allowances available where they see fit to do so.

SECTION 7. Self-explanatory.

SECTION 8. The amendment corrects a reference.

SECTION 9.—Subsection 1. The Regional Corporation is empowered to grant monetary aid to persons suffering loss in a common disaster.

Subsection 2. The amendment will enable the amendment of the continued by-laws; the existing subsection provides only for repeal.

Subsection 3. Self-explanatory.

SECTION 10. The amendment removes the annual limitation on the moneys the Regional Corporation may expend on diffusing promotional information.

SECTION 11. The warden of Waterloo County is *ex officio* a member of the Board of Governors of Waterloo University; the amendment substitutes the chairman and permits the Regional Council to name an alternate.

SECTION 12. The section is amended to deem the Regional Council rather than the Regional Corporation to be a board of a county library.

SECTION 13. Self-explanatory.

SECTION 14. This amendment removes part of the declaration of qualification, now governed by *The Municipal Conflict of Interest Act, 1972*.

(2) Subsection 8 of the said section 158 is amended by striking out "until" in the fourth line and inserting in lieu thereof "but may be amended or". s. 158 (8), amended

(3) The said section 158 is amended by adding thereto the following subsection: s. 158, amended

(8a) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1972, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law. Idem

10. Section 160 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines. s. 160, amended

11. The said Act is amended by adding thereto the following section: s. 166a, enacted

166a. For the purpose of membership on the Board of Governors of the University of Waterloo, the chairman shall be deemed to be the warden of the County of Waterloo, and the provisions of section 213 of *The Municipal Act* apply *mutatis mutandis* thereto. Chairman member of Board of Governors, University of Waterloo R.S.O. 1970, c. 284

12. Subsection 4 of section 169 of the said Act is amended by striking out "Corporation" in the first line and inserting in lieu thereof "Council". s. 169 (4), amended

13. Section 178 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 7, is further amended by adding thereto the following subsection: s. 178, amended

(4a) The Galt Public Service Commission is dissolved effective the 1st day of January, 1972, and all its rights, obligations, assets and liabilities are thereupon transferred to and vested in The Corporation of the City of Cambridge. Dissolution of Galt Public Service Commission

14. Paragraph 4 of Form 2 of the said Act is repealed. Form 2, par. 4, repealed

15.—(1) This Act, except sections 1, 4, 8, 9 and 13, comes into force on the day it receives Royal Assent. Commencement

- Idem (2) Sections 1, 4, 8, 9 and 13 shall be deemed to have come into force on the 1st day of January, 1973.
- Short title **16.** This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1973*.

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

November 12th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

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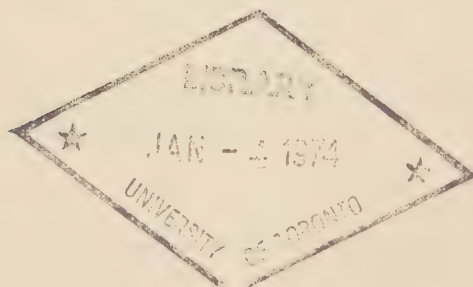
BILL 222

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 222

1973

An Act to amend The Regional Municipality of Waterloo Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of section 1 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended by striking out "91" in the third line and inserting in lieu thereof "133". s. 1 (l),
amended
- 2.—(1) Clause *f* of subsection 1 of section 8 of the said Act is amended by striking out "one" in the first line and inserting in lieu thereof "the". s. 8 (1) (f),
amended
 (2) Subsection 3 of the said section 8 is amended by inserting after "municipality" in the second line "except the City of Kitchener and the Township of Wilmot". s. 8 (3),
amended
3. Subsection 4 of section 23 of the said Act is amended by adding at the end thereof "but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*". s. 23 (4),
amended
4. Section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 1, is further amended by adding thereto the following subsection: s. 27,
amended

(11a) Where, under the provisions of this section, any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. Pension
rights and
sick leave
credits
5. Section 90 of the said Act is amended by adding thereto the following subsection: s. 90,
amended

- Idem (2) Sections 1, 4, 8, 9 and 13 shall be deemed to have come into force on the 1st day of January, 1973.
- Short title **16.** This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1973.*

BILL 222

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

November 12th, 1973

2nd Reading

December 4th, 1973

3rd Reading

December 4th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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Government
Publications

BILL 223

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendments are to make it clear that official plans and by-laws that are continued in force by sections 11 and 27 of the Act respectively, until repealed by the City, may also be amended by the City.

BILL 223

1973

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 11 of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is repealed and the following substituted therefor:

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect but may be amended or repealed by the council of the City under *The Planning Act*. s. 11 (3),
re-enacted
Official
plans in
effect
R.S.O. 1970,
c. 349

2. Section 27 of the said Act is repealed and the following substituted therefor:

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities but may be amended or repealed by the council of the City. s. 27,
re-enacted
By-laws
remain in
force

3. This Act shall be deemed to have come into force on the 1st day of January, 1973. Commence-
ment
4. This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1973*. Short title

BILL 223

An Act to amend
The City of Timmins-Porcupine
Act, 1972

1st Reading

November 13th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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BILL 223

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 223

1973

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 11 of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is repealed and the following substituted therefor: s. 11 (3),
re-enacted

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect but may be amended or repealed by the council of the City under *The Planning Act*. Official
plans in
effect

R.S.O. 1970,
c. 349

2. Section 27 of the said Act is repealed and the following substituted therefor: s. 27,
re-enacted

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities but may be amended or repealed by the council of the City. By-laws
remain in
force

3. This Act shall be deemed to have come into force on the 1st day of January, 1973. Commence-
ment
4. This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1973*. Short title

BILL 223

An Act to amend
The City of Timmins-Porcupine
Act, 1972

1st Reading

November 13th, 1973

2nd Reading

November 27th, 1973

3rd Reading

November 28th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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BILL 224

Government
Publications
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to establish The Ontario Bill of Rights

MR. ROY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

This Bill will provide for an Ontario Bill of Rights. The Canadian Bill of Rights enacted by the Parliament of Canada in 1960 provides for the protection of certain human rights and fundamental freedoms but its effectiveness is limited by the fact that it operates only within the fields of the federal Parliament's constitutional authority. The Ontario Bill of Rights is intended to provide for the protection of those same human rights and fundamental freedoms so that, in Ontario, those rights and freedoms will have protection in both provincial and federal fields of legislative jurisdiction. The result will be to have those rights and freedoms protected in Ontario under a single legislative shield consisting of the Canadian Bill of Rights and The Ontario Bill of Rights.

The effect of the Bill will be to have the Legislature, out of its respect for those rights and freedoms, limit its powers to enact statutes and regulations.

An Act to establish The Ontario Bill of Rights

WHEREAS the free and democratic society existing in Ontario is founded upon principles, fostered by tradition, that honour and respect human rights and fundamental freedoms and the dignity and worth of the human person; and whereas the Parliament of Canada, being desirous of enshrining certain principles and the human rights and fundamental freedoms derived from them, enacted the Canadian Bill of Rights in order to ensure the protection of those rights and freedoms in Canada in matters coming within its legislative authority; and whereas the Legislature of Ontario, affirming those principles and recognizing the need to ensure the protection of those rights and freedoms in Ontario in matters coming within its legislative authority, desires to enact The Ontario Bill of Rights.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby recognized and declared that in Ontario there exist, without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

Declaration
of rights and
fundamental
freedoms

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and

(f) freedom of the press.

Construction
and applica-
tion of
statutes and
regulations

2. Every statute and regulation of Ontario shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared.

Rights
preserved

3.—(1) Nothing in this Act shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated herein that may have existed in Ontario at the commencement of this Act.

Jurisdiction
of
Legislature

(2) The provisions of this Act shall be construed as extending only to matters coming within the legislative authority of the Legislature of Ontario.

Notice to
Attorney
General

4.—(1) Where in any action or other proceeding a question arises as to whether any law of Ontario abrogates, abridges or infringes, or authorizes the abrogation, abridgment or infringement, of any of the rights and freedoms herein recognized and declared, no adjudication on that question is valid unless notice has been given to the Attorney General.

Attorney
General
may appear

(2) Where the Attorney General has notice under subsection 1, he may, in person or by counsel, appear and participate in that action or proceeding on such terms and conditions as the court, person or body conducting the proceeding may consider just.

Law of
Ontario
defined

5. In this Act, “law of Ontario” means,

- (a) any Act of the Legislature of Ontario enacted before, on or after the commencement of this Act; and
- (b) any order, rule or regulation made or approved by the Lieutenant Governor in Council or by a Minister of the Crown before, on or after the commencement of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ontario Bill of Rights, 1973*.

An Act to establish
The Ontario Bill of Rights

1st Reading

November 13th, 1973

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

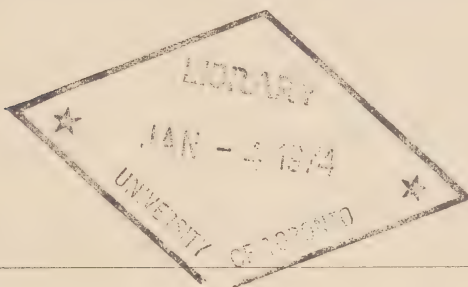
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Publication:

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to permit Municipalities to grant
assistance to Elderly Residents**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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**An Act to permit
Municipalities to grant assistance to
Elderly Residents**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village and township;
- (b) "owner" means a person assessed as the owner of residential real property.

2.—(1) The council of a municipality may pass by-laws<sup>By-law
authorizing
tax credit</sup> authorizing and directing the treasurer of the municipality to allow owners of residential real property in the municipality a uniform credit in an amount to be determined by the council of the municipality, against the real property taxes imposed by the municipality in respect of such real property, provided that,

- (a) such owner or the spouse of such owner or both occupies or occupy the property in respect of which real property taxes are imposed as his, her or their personal residence;
- (b) such owner or the spouse of such owner or both has or have attained the age of sixty-five years or such greater age as the by-law may provide;
- (c) such owner or the spouse of such owner or both has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and

- (d) no such credit shall be allowed to an owner in respect of more residential real property than one single family dwelling unit in any year.

Additional
requirement
for
qualification

(2) A by-law passed by the council of a municipality under this Act may provide that, notwithstanding subsection 1, no owner who otherwise qualifies under subsection 1, shall receive a credit unless such owner or the spouse of such owner or both is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Repeals

3. The following are repealed :

1. Section 2 of *The City of Hamilton Act, 1966*, being chapter 171.
2. Section 1 of *The City of Hamilton Act, 1967*, being chapter 115.
3. Sections 1 and 2 of *The City of Hamilton Act, 1968*, being chapter 152.
4. *The City of Peterborough Act, 1970*, being chapter 162.
5. *The City of Peterborough Act, 1971*, being chapter 122.
6. Section 10 of *The City of Toronto Act, 1971*, being chapter 130.
7. Section 6 of *The City of Toronto Act, 1972*, being chapter 198.
8. *The Town of Aurora Act, 1972*, being chapter 174.
9. *The Town of Preston Act, 1972*, being chapter 187.

Commence-
ment

4. This Act comes into force on the 1st day of January, 1974.

Short title

5. This Act may be cited as *The Municipal Elderly Resident's Assistance Act, 1973*.

An Act to permit
Municipalities to grant assistance
to Elderly Residents

1st Reading

November 14th, 1973

2nd Reading

November 29th, 1973

3rd Reading

December 5th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

XB

-B56

BILL 226

Government
Publications
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Regional Municipality
of Haldimand-Norfolk Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

By the addition of Parts III to X to *The Regional Municipality of Haldimand-Norfolk Act, 1973*, the Bill completes the restructuring of local government in the area that presently comprises the counties of Haldimand and Norfolk. The added Parts deal with the following matters:

- PART III Regional Roads
- PART IV Planning
- PART V Health and Welfare
- PART VI Police
- PART VII Waterworks
- PART VIII Sewage
- PART IX Finances
- PART X General

BILL 226

1973

**An Act to amend The Regional
Municipality of Haldimand-Norfolk
Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right

or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 95;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of April, 1974, means the area included within the counties of Haldimand and Norfolk, and
 - (ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

- (p) "Regional Corporation" means, subject to subsection 7 of section 6, The Regional Municipality of Haldimand-Norfolk;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

2. Section 2 of the said Act is amended by adding thereto the ^{s. 2.} ^{amended} following subsections:

(1a) The portion of the Township of Middleton described ^{Portion of Middleton} as follows is annexed to the Town of Tillsonburg on the ^{annexed to Tillsonburg} 1st day of April, 1974:

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement.

3. The said Act is amended by adding thereto the following ^{s. 28a,} ^{enacted} section:

28a.—(1) Where the Regional Corporation or a local ^{Pensions} board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof, or by the County of Norfolk or a local board thereof the Regional Corporation or a local

board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of July, 1973, was employed

by the County of Haldimand or by any local board thereof or by the County of Norfolk or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of March, 1974.

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of March, 1975, of not less than he was receiving on the 1st day of July, 1973. ^{Entitlement to salary}

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. ^{Application of R.S.O. 1970, c. 324}

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of July, 1973 and who continue to be so employed until the 31st day of March, 1974, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of March, 1975, not less than he was receiving on the 1st day of July, 1973. ^{Offer of employment}

(9) Any sick leave credits standing on the 31st day of March, 1974 to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. ^{Sick leave credits}

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. ^{Holidays}

(11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Parts III-X
(ss. 29-146),
enacted

4. The said Act is amended by adding thereto the following Parts:

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

30.—(1) On and after the 1st day of April, 1974, all roads on the 31st day of March, 1974, under the jurisdiction and control of the County of Haldimand and the County of Norfolk, within the Regional Area, shall constitute the regional road system, excluding that portion of the Township of Middleton described in subsection 1a of section 2 annexed to the Town of Tillsonburg.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county or regional municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation. Vesting of roads in regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system. Removal of roads from regional road system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. Roads removed from system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system. Status of land acquired for widening regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Idem

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws. Consolidating by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council. Approval of by-laws

(11) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

Plans of
construction
and
maintenance

(12) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Haldimand or The Corporation of the County of Norfolk or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Haldimand or the County of Norfolk or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970, c. 201, s. 97, subs. 4 not to apply

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality

Construction of sidewalk, etc., on area municipality road

R.S.O. 1970,
c. 255

may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection
of other
roads by
regional road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

R.S.O. 1970,
c. 284

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and
liabilities
of Regional
Corporation

R.S.O. 1970,
cc. 284, 202

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Erection of
gasoline
pump and
advertising
device near
regional road

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which

Idem

the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipalities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict with local by-laws
R.S.O. 1970,
c. 349

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing road

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95, not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon regional controlled-access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on

summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional system.

Application
of R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area

R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of April, 1974 the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act* applies *mutatis mutandis* to the Regional Corporation.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Haldimand-Norfolk Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of March, 1974, and no area municipality except as provided in this Part, shall exercise any powers under *The Planning Act*.

Official
plans

(3) All official plans in effect in any part of the Regional Area, on and after the first day of April, 1974, remain in effect as official plans of the Haldimand-Norfolk Planning Area until a new official plan has been adopted by the Regional Council and approved by the Minister.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed

under section 35 of *The Planning Act*, or a predecessor thereof, then in effect in the planning area affected thereby shall be amended forthwith to conform therewith. R.S.O. 1970, c. 349

(5) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council. By-laws continued

(6) All the assets and liabilities pertaining to the planning functions transferred to the Regional Corporation under this section shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final. Assets and liabilities

55.—(1) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Planning duties of Regional Council

(2) The Regional Council may appoint such planning committees and staff as it considers necessary. Staff and committees

(3) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re: subdivisions

(4) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Haldimand-Norfolk Planning Area or any part thereof. Special studies

(5) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

56.—(1) When the Minister has approved an official plan adopted by the Regional Council the Regional Council may designate any area municipality or portion thereof within the Haldimand-Norfolk Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. District planning areas

(2) Upon designation of an area municipality or portion thereof as a district planning area, the Regional Council may authorize the council of the area municipality so Idem

R.S.O. 1970,
c. 349

Planning
duties of
area councils

designated to exercise such of the powers under sections 35 and 38 of *The Planning Act*, on such terms and conditions as the Regional Council may determine.

57.—(1) Every council of an area municipality designated as a district planning area under subsection 1 of section 56 shall at the request of the Regional Council investigate and survey the physical, social and economic conditions in relation to the development of the district planning area and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council.

Powers of
Regional
Council re
district plan

(2) The Regional Council shall, with respect to plans submitted to it under subsection 1,

- (a) adopt the plan as submitted, with or without amendment by the Regional Council, as an amendment to the official plan of the Haldimand-Norfolk Planning Area and forward it to the Minister for approval; or
- (b) reject the plan.

Dissolutions

58.—(1) All committees of adjustment or land division committees existing in the Regional Area on the 31st day of March, 1974, are hereby dissolved on such date and the Regional Council shall appoint a land division committee on or before the 1st day of April, 1974, without notice from the Minister, to grant consents referred to in section 29 of *The Planning Act* and a committee of adjustment under section 41 of the said Act.

Delegation
of Regional
Council's
powers

(2) Notwithstanding subsection 1, the Regional Council at anytime may delegate, on such terms and conditions

as it considers necessary, to the council of an area municipality the right to appoint a committee of adjustment to exercise the powers under section 42 of *The Planning Act*, except the power to grant consents mentioned in subsection 3 of the said section 42. R.S.O. 1970, c. 349

(3) Notwithstanding the provisions of *The Planning Act* relating to the qualification of members of a land division committee or a committee of adjustment, such committees may have a minority of council members. Composition of committee

PART V

HEALTH AND WELFARE

59.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of March, 1974, of an indigent person or his dependant who was in hospital on the 31st day of March, 1974, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Haldimand or the County of Norfolk, excepting that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of April, 1974. Proviso

60.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before Payment of principal and interest to area municipalities

the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital
costs form
part of
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 84.

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

61.—(1) On and after the 1st day of April, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Haldimand-Norfolk Regional Board of Health.

Dissolution
of health
unit

(2) The health unit serving the counties of Haldimand and Norfolk on the 31st day of March, 1974, is hereby dissolved on the 1st day of April, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Haldimand-Norfolk Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

62.—(1) On and after the 1st day of April, 1974, the Haldimand-Norfolk Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Haldimand-Norfolk Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Haldimand-Norfolk Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

63.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: Regional Corporation deemed city under R.S.O. 1970, cc. 21, 270, 422, 490

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality: Regional Council deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974 and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. Assets and liabilities

64.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged R.S.O. 1970, c. 206

(2) The Grandview Lodge Home for the Aged and Norview Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of April, 1974, without compensation. County homes for aged vested in Regional Corporation

65.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of March, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality. Residents of other homes for aged

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

66. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Existing
liabilities
transferred
1965, c. 14

67. The Regional Corporation is liable for the amounts payable on or after the 1st day of April, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.C. 1970,
c. J-3

68. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

69. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

70. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

71. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

72. In this Part, "Haldimand-Norfolk Police Board" means the Haldimand-Norfolk Regional Board of Commissioners of Police.

73.—(1) Notwithstanding *The Police Act*, on the 15th day of January, 1974, a board of commissioners of police shall be constituted to be known as the Haldimand-Norfolk Regional Board of Commissioners of Police, which shall consist of,

Haldimand-Norfolk Regional Board established R.S.O. 1970, c. 351

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Haldimand-Norfolk Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Remuneration

74.—(1) On and after the 1st day of April, 1974,

Regional Corporation deemed city under R.S.O. 1970, c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) subject to subsection 2, the Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) Notwithstanding section 17 of *The Police Act*, the Haldimand-Norfolk Police Board is responsible for policing only those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974.

Jurisdiction

Idem

(3) The Haldimand-Norfolk Police Board may with the approval of the Solicitor General assume responsibility for policing and the maintenance of law and order in any additional portions of the Regional Area.

Fines

(4) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Haldimand-Norfolk Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area police force

75.—(1) Every person who was a member of a police force of a municipality within the Regional Area on the 1st day of July, 1973, and continues to be a member until the 31st day of March, 1974, shall, on the 1st day of April, 1974, become a member of the Haldimand-Norfolk Regional Police Force, and the provisions of subsections 4 and 11 of section 28a apply to such members, but no member shall receive in the year 1974 and until the 31st day of March, 1975, any benefits of employment, with the exception of rank, less favourable than those he was receiving from the municipality.

Haldimand-Norfolk Regional Police Force

(2) Every person who is a member of a police force of a municipality within the Regional Area on the 31st day of March, 1974, and becomes a member of the Haldimand-Norfolk Regional Police Force on the 1st day of April, 1974, is subject to the government of the Haldimand-Norfolk Police Board to the same extent as if appointed by the Haldimand-Norfolk Police Board and the Haldimand-Norfolk Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Haldimand-Norfolk Police Force.

Terms of employment

(3) Every person who becomes a member of the Haldimand-Norfolk Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Haldimand-Norfolk Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age,

except that those members of the police force of a municipality whose retirement age was sixty-five years of age immediately before they became members of the Haldimand-Norfolk Regional Police Force shall continue until the 1st day of April, 1979, to have a retirement age of sixty-five years of age;

- (c) have credited to him in the Haldimand-Norfolk Regional Police Force the total number of years of service that he had in the police force of the municipality of which he was a member immediately prior to the 1st day of April, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Haldimand-Norfolk Police Board as he had standing to his credit in the plan of the municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of March, 1974.

(4) Civilian employees and assistants of the Haldimand-Norfolk Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Civilian
employee
retirement

(5) On or before the 15th day of January, 1974, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Haldimand-Norfolk Police Board in the manner and for the purposes provided in *The Police Act* and the Haldimand-Norfolk Police Board shall be the sole negotiating body to bargain with such committee.

Joint
bargaining
committee

R.S.O. 1970,
c. 351

(6) The first meeting of the bargaining committee and the Haldimand-Norfolk Police Board shall be held not later than the 15th day of February, 1974.

Time of
meeting

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Haldimand-Norfolk Police Board.

Application of
R.S.O. 1970,
c. 284

76.—(1) The Regional Council shall, before the 1st day of April, 1974, pass by-laws which shall be effective on such date assuming for the use of the Haldimand-Norfolk Police Board any such land or building that the Haldimand-

Assumption
of buildings

Norfolk Police Board may require that is vested on the 1st day of October, 1973, in any municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Extension
of time

(2) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of April, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection 1 is used by the municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection 1 or 2,

- (a) no compensation or damage shall be payable to the municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of October, 1973, such amount as may be agreed upon and failing agree-

ment the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(5) If the Regional Corporation fails to make any payment on or before the due date as required by clause *b* of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. ^{Default}

(6) Where a building vested in a municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Haldimand-Norfolk Police Board on or after the 1st day of April, 1974, shall provide at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Haldimand-Norfolk Police Board as was being provided by the local municipality for its police force on the 1st day of October, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. ^{Accommodation}

(7) At the request of the Haldimand-Norfolk Police Board, each area municipality, for the use of the Haldimand-Norfolk Police Board, ^{Office supplies, etc.}

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of April, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of April, 1974, on the same terms and to the same extent as the police force used the property before such date.

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the ^{Signal system transferred}

Haldimand-Norfolk Police Board on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property
to be
provided

77. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Haldimand-Norfolk Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

Region to
be sole
distributor
of water

78.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of
water supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and

distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. ^{Regional Corporation liability R.S.O. 1970, c. 255}

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of April, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement. ^{Water supply agreement}

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional water-works system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board. ^{Special rates}

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. ^{Raising of money by area municipality}

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

79.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land
drainage

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption
of area
municipality
land drainage
systems

(10) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal

R.S.O. 1970,
c. 284

Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

80.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area
municipality
deemed a
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed a
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 84 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Regional
grant
payment in
1974

(4) In the year 1974, the Regional Corporation shall be entitled to receive the full annual payment under section 2 of *The Regional Municipal Grants Act*, and no municipality within the Regional Area shall be entitled to any payment under *The Municipal Unconditional Grants Act* in respect of the period after the 31st day of December, 1973.

R.S.O. 1970,
c. 293

81. Notwithstanding any other general or special Act, for all municipalities within the Regional Area, the financial year 1973 shall be deemed to run from the 1st day of January, 1973, until the 31st day of March, 1974, and for the area municipalities within the Regional Area and the Regional Corporation the financial year 1974 shall be deemed to run from the 1st day of April, 1974 until the 31st day of December, 1974, and the Minister may by order do any such thing as he deems necessary to obtain a just and equitable distribution of costs and revenues between such financial years.

Definition of
1973 and 1974
financial
years

82. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of
moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES

83.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Corporation for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

Allowance
to be made
in estimates

(3) The surplus or operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1974 shall be the audited surplus or operating deficit of the County of Haldimand and the audited surplus or operating deficit of the County of Norfolk on the 31st day of March, 1974, as reduced by any payment to the County of Oxford under subsection 7.

Surplus or
operating
deficit of
Regional
Council
in 1974

(4) The amount by which any operating deficit existing for the County of Haldimand on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
deficit,
County of
Haldimand

Operating
deficit,
County of
Norfolk

(5) The amount by which any operating deficit existing for the County of Norfolk on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
surplus,
County of
Haldimand

(6) Where an operating surplus exists for the County of Haldimand on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Operating
surplus,
County of
Norfolk

(7) When an operating surplus exists for the County of Norfolk on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation, and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes in respect of that part of the Township of Middleton which becomes part of the Town of Tillsonburg, in the proportion that the assessment of such part bears to the total assessment of the Township of Middleton, both according to the last revised assessment roll, to the County of Oxford, not later than the 30th day of September, 1974.

Application
of R.S.O. 1970,
cc. 32, 284

(8) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area
municipi-
palities

84.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under sub-^{Idem} section 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and ^{Assessment} weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each ^{Copy to Regional Corporation and area municipalities} of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

(6) If any area municipality is not satisfied with the assess-^{Appeal} ment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

(7) Every notice of revision, equalization and weighting ^{Idem} made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, ^{Amendment of by-law where necessary following appeal}

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if

the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284.
1971, c. 78
1973, c. 73

Valuation of
properties

Levy
by-laws

Regional
levy

Payment

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 141 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(15) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

85. Notwithstanding the provisions of section 84, in the ¹⁹⁷⁴ year 1974, the Regional Council may by by-law adjust the ^{levy} apportionment of the regional levy on area municipalities in order that the levy is just and equitable, and such by-law, when approved by the Minister, shall be effective for the purpose of apportionment under section 84.

86.—(1) The Ministry of Revenue shall revise, equalize and ^{Equalized} weight each part of the last revised assessment roll of the area ^{assessment} municipalities that relates to a merged area and each such ^{of merged} part of the last revised assessment roll of each of the area ^{areas} municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all ^{Apportionment among merged areas} purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. ^{R.S.O. 1970, cc. 405, 284, 32}

(4) The rates to be levied in each merged area shall be ^{Determination of rates} determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

87.—(1) Notwithstanding section 84, in 1974 the Regional ^{Levy by} Council may, before the adoption of the estimates for that ^{Regional} year, levy against the area municipalities a sum not exceeding ^{Council} 25 per cent of the aggregate levies made by all local muni- ^{before} cipalities within the Regional Area in the year 1973 for general ^{estimates} adopted

municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 84 and subsections 14 and 15 of section 84 apply to such levy.

Idem

(2) Notwithstanding section 84, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 84 apply to such levy.

Levy under
s. 84
to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 84.

Levy by
area
municipality
before
estimates
adopted

(4) Notwithstanding section 86, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1974, 75 per cent, and in all subsequent years, 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 86 to be
reduced

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 86.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised and weighted assessment under subsection 4 of section 84.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, on or before the 1st day of April, 1974.

Interim
levy

(9) No local municipality shall pass a by-law under section 303 of *The Municipal Act* prior to the 1st day of April, 1974.

Rates under
R.S.O. 1970,
c. 430

88.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the

area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for public school purposes on commercial assessment
R.S.O. 1970, c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

Transitional
adjustments

89.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality and the Town of Tillsonburg, shall levy, on the assessment for real property and business according to the last revised assessment roll, in any specified merged area or areas or in any specified part or parts of the Town of Tillsonburg rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Town of
Tillsonburg,
added
assessments

(2) On or before the 15th day of March, 1974, the Ministry of Revenue shall supply to the clerk of the Town of Tillsonburg, and the clerk shall add to the collector's roll of such town, the value of the land and buildings including business assessment in that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2, and such additions shall be deemed to be additions under section 43 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Allowances
to be made
in estimates
of area
municipi-
palities in 1974
R.S.O. 1970,
c. 284

90.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of March, 1974.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
for payment
under s. 83

(4) For the purposes of this section and section 91, the audited surplus or operating deficit of a local municipality on the 31st day of March, 1974, shall be reduced or increased, as the case may be, by any payment required under subsection 4 or 5 of section 83.

91.—(1) In this section, “surplus or operating deficit” in-^{Interpre-}
cludes any reserves provided for under subsection 2 of section ^{tation}
307 of *The Municipal Act*. R.S.O. 1970,
c. 284

(2) The audited surplus or operating deficit of a local muni-^{Surplus or}
cipality at the 31st day of March, 1974, shall accrue to the ^{deficit at}
credit of or become a charge on the assessment supporting ^{March 31, 1974,}
such surplus or operating deficit and shall be provided for ^{to be}
by adjustment of the tax rate over a period not exceeding ^{applied to}
five years from the 1st day of April, 1974. ^{supporting}
^{assessment}

92.—(1) The Minister may appoint committees of arbitra-^{Committees}
tors for the purpose of determining the disposition, including ^{of}
the physical possession, of the assets and liabilities, includ- ^{arbitrators}
ing reserve funds, of any divided municipality or local board
thereof.

(2) Each committee shall consist of the treasurers of the ^{Idem}
municipalities concerned with the disposition of particular
assets and liabilities and reserve funds, or such other person or
persons as the Minister may appoint.

(3) Before the 31st day of March, 1974, the committees ^{Provisional}
shall, where appropriate, make provisional determinations of ^{determina-}
the disposition of the known assets, liabilities and reserve ^{tion}
funds, and these dispositions shall become operative from
the 1st day of April, 1974.

(4) As soon as possible thereafter, the committees shall, ^{Final}
where appropriate, make final determinations of the disposi- ^{determina-}
tion of assets, liabilities and reserve funds as at the 31st ^{tion}
day of March, 1974, together with determinations of any
financial adjustments which may be necessary.

(5) The final determination made under subsection 4 shall ^{Notice}
be forwarded forthwith to the municipalities concerned, the
Regional Corporation and the Municipal Board and unless
the council of any such municipality or the Regional Cor-
poration notifies the Municipal Board in writing within
thirty days of the mailing of such determination that it
objects to the determination, such determination shall, for the
purposes of clause *a* of subsection 11 of section 14 of *The*
Municipal Act, be deemed to be agreed upon by such muni-
cipalities and the Regional Corporation.

(6) The final determination of a disposition or an adjust- ^{Idem}
ment under this section shall set out the time within which
an appeal may be made to the Municipal Board with respect
to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of sections 83, 91 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

93.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds,
establish-
ment

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

95.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Current borrowing
R.S.O. 1970,
c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 Idem of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

96.—(1) Subject to the limitations and restrictions in this Debt Act and *The Ontario Municipal Board Act*, the Regional R.S.O. 1970,
c. 323 Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by Liability the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area Limitation municipality has, after the 31st day of March, 1974, power to issue debentures.

(4) When an area municipality, on or before the 31st day of Uncompleted works March, 1974,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 99 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

97. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 96 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

98.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending
issue and
sale of
debentures

99.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow-^{Idem}ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. ^{Interest on proceeds transferred}

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 111 shall be transferred to the area municipality. ^{Application of proceeds of loan}

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. ^{Hypothecation not to prevent subsequent sale of debentures}

100.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. ^{Principal and interest payments}

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. ^{Sinking fund debentures}

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. ^{When debentures to be payable}

Special
levy against
area municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a

special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council, upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. ^{By-law to change mode of issuing debentures}

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. ^{Debentures, when to be dated and issued}

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. ^{Date of debentures}

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name

the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the

currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional

Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
securities
with
Treasurer of
Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of
securities by
Treasurer of
Ontario

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure to
levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund

account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42. ^{Deficit and surplus}

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

When rate
of interest
may be varied

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 99 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

102.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

103.—(1) Subject to section 102, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

Offence for
neglect of
officer to
carry out
by-law

104. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

105.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 223, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law, registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality

as required by subsection 1 of section 98 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 100 have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. ^{Failure to register}

106.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. ^{Debentures, how sealed and executed}

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. ^{Interest coupons}

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. ^{Mechanical reproduction of signatures}

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. ^{Effect of mechanical reproduction}

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority ^{Sufficiency of signatures}

to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

107. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of transfer may be prescribed

108.—(1) Where a debenture contains or has endorsed upon it provision to the following effect :

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or

administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

109. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacement of lost debentures placing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

110.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount. Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation. On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debenture of same force and effect as debenture surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. Debentures surrendered for exchange to be cancelled

111.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes. Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality. Idem

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of assets
acquired from
proceeds of
sale of
debentures

112. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 111 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Tenders
for
debentures

113. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

114.—(1) The Regional Council shall,

Accounts,
how to be
kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

115. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Application
of surplus
money

116.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may

Action by
ratepayer

be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

117. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

118. In the financial year 1973, no local municipality shall, after the 15th day of November, without the approval of the Minister, sell, lease or otherwise dispose of any asset purchased at a cost of or valued at more than \$5,000.

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

119.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 46, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Section 378 and paragraph 7 of subsection 1 of section 381 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers. Application of R.S.O. 1970, c. 284

(3) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(4) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(5) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(6) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of March, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of April, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law. Idem

Vesting of
transportation system
assets in
Regional
Corporation

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 5, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil defence

120.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area.

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed
county for
R.S.O. 1970,
c. 145

121.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes. Expenditures
for diffusing
information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of March, 1974. Application
of R.S.O. 1970,
c. 284

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 28a apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation. Staff

122. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the Grants to
persons
engaged in
work
advantageous
to Regional
Area

general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

R.S.O. 1970,
c. 505

123. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Haldimand-Norfolk Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation
by county
judge of
charges of
malfeasance

1971, c. 49

124.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable
to judge

R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or

inquiry, and the Regional Corporation shall pay the costs thereof.

125.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. ^{Commission of inquiry 1971, c. 49}

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. ^{When commission may issue}

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. ^{Expenses of commission}

126. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. ^{Entry on highway, etc.}

127. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. ^{Agreements re services}

128.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. ^{Application of R.S.O. 1970, c. 23}

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. ^{Regional Corporation and area municipalities deemed not tenants}

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

129.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Haldimand-Norfolk" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

130.—(1) The corporations of the counties of Haldimand and Norfolk are dissolved on the 1st day of April, 1974, and the Regional Corporation shall stand in the place and stead of such counties in any agreements to which such counties were parties in so far as such agreements pertain to the Regional Area.

(2) All the assets and liabilities of the counties of Haldimand and Norfolk become, subject to section 92, on the 1st day of April, 1974, the assets and liabilities of the Regional Corporation and all documents and records kept by the clerk or treasurer or any other officer of the counties of Haldimand and Norfolk shall be transferred to the clerk.

131.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Haldimand and Norfolk.

Function
of clerk,
collector and
assessor

Counties
dissolved

Assets and
liabilities,
etc.

Powers of
Municipal
Board

R.S.O. 1970.
c. 284

Settling of doubts	(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of <i>The Ontario Municipal Board Act</i> do not apply to decisions or orders made in the exercise of such power.
R.S.O. 1970, c. 323	
Idem	(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.
Conditional powers	132. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.
Conflict with other Acts	133.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.
Special legislation	(2) The provisions of any special Act relating to the counties of Haldimand and Norfolk or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.
Municipal buildings	134.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, (a) may acquire land for the purpose of constructing municipal buildings; and (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

135.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of April, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of April, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

136. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall, on Agreement successor rights

and after the 1st day of April, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

137. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

138.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of March, 1974, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of March, 1974, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

139.—(1) On and after the 1st day of April, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of March, 1974, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, in-

cluding *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of April, 1974. Commissions dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. Members of commission not disqualified as members of Council

140.—(1) On the 31st day of March, 1974, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof, subject to section 92, vest on the 1st day of April, 1974, in the area municipality of which the local municipality forms part. Dissolution of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Recreation and parks management board
R.S.O. 1970, cc. 120, 73

141.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. Acquiring land for parks, etc.
R.S.O. 1970, c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe. Sale of spirituous, etc., liquors in parks
R.S.O. 1970, c. 250

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

Regional
Corporation a
municipality
under
R.S.O. 1970,
cc. 337, 73, 120

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and *The Community Centres Act*, and the Regional Council shall be deemed to be a recreation committee for the purposes of *The Ministry of Community and Social Services Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum
vested in
Regional
Corporation

142. The Haldimand County Museum together with the assets and liabilities thereof vest, on the 1st day of April, 1974, in the Regional Corporation.

R.S.O. 1970,
c. 284, s. 244,
not to apply

143. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area during the period ending the 31st day of March, 1974.

Public
library
boards

144.—(1) On the 31st day of March, 1974, all public library boards in the Regional area are dissolved and the assets and liabilities thereof vest in the appropriate area municipality of which the public library board formerly formed part.

Idem
R.S.O. 1970,
c. 381

(2) Notwithstanding the provisions of *The Public Libraries Act*, the Minister may provide for the establishment of a

public library board in any area municipality at any time by approving the by-laws of the area municipality establishing such board.

145.—(1) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipality shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of the said Act, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 332

(2) Paragraph 75 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

146.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Conditions of payment

5. Sections 29 and 30 of the said Act are renumbered as sections 147 and 148 respectively. ss. 29, 30, renumbered

6.—(1) This Act, except Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, comes into force on the day it receives Royal Assent. Commencement

(2) Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, come into force on the 1st day of April, 1974. Idem

7. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1973*. Short title

Bill 110
An Act to amend
The Regional Municipality of
Haldimand-Norfolk Act, 1973

1st Reading

November 15th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CAZUN
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-B 56

Government
Publications

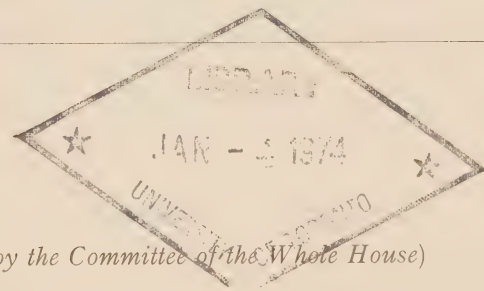
BILL 226

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Regional Municipality
of Haldimand-Norfolk Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

By the addition of Parts III to X to *The Regional Municipality of Haldimand-Norfolk Act, 1973*, the Bill completes the restructuring of local government in the area that presently comprises the counties of Haldimand and Norfolk. The added Parts deal with the following matters:

- PART III Regional Roads
- PART IV Planning
- PART V Health and Welfare
- PART VI Police
- PART VII Waterworks
- PART VIII Sewage
- PART IX Finances
- PART X General

**An Act to amend The Regional
Municipality of Haldimand-Norfolk
Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right

or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 95;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of April, 1974, means the area included within the counties of Haldimand and Norfolk, and
 - (ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

- (p) "Regional Corporation" means, subject to sub-section 7 of section 6, The Regional Municipality of Haldimand-Norfolk;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

2. Section 2 of the said Act is amended by adding thereto the ^{s. 2, amended} following subsections:

(1a) The portion of the Township of Middleton described as follows is annexed to the Town of Tillsonburg on the 1st day of April, 1974: ^{Portion of Middleton annexed to Tillsonburg}

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement.

3. The said Act is amended by adding thereto the following ^{s. 28a, enacted} section:

28a.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof, or by the County of Norfolk or a local board thereof the Regional Corporation or a local ^{Pensions}

board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of July, 1973, was employed

by the County of Haldimand or by any local board thereof or by the County of Norfolk or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of March, 1974.

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of March, 1975, of not less than he was receiving on the 1st day of July, 1973. ^{Entitlement to salary}

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. ^{Application of R.S.O. 1970, c. 324}

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of July, 1973 and who continue to be so employed until the 31st day of March, 1974, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of March, 1975, not less than he was receiving on the 1st day of July, 1973. ^{Offer of employment}

(9) Any sick leave credits standing on the 31st day of March, 1974 to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. ^{Sick leave credits}

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. ^{Holidays}

(11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Parts III-X
(ss. 29-146),
enacted

4. The said Act is amended by adding thereto the following Parts:

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

30.—(1) On and after the 1st day of April, 1974, all roads on the 31st day of March, 1974, under the jurisdiction and control of the County of Haldimand and the County of Norfolk, within the Regional Area, shall constitute the regional road system, excluding that portion of the Township of Middleton described in subsection 1a of section 2 annexed to the Town of Tillsonburg.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county or regional municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation. Vesting of roads in regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system. Removal of roads from regional road system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. Roads removed from system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system. Status of land acquired for widening regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Idem

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws. Consolidating by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council. Approval of by-laws

(11) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

Plans of
construction
and
maintenance

(12) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures

R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Haldimand or The Corporation of the County of Norfolk or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Haldimand or the County of Norfolk or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970, c. 201, s. 97, subs. 4 not to apply

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality

Construction of sidewalk, etc., on area municipality road

may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

R.S.O. 1970,
c. 284

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and
liabilities
of Regional
Corporation

R.S.O. 1970,
cc. 284, 202

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Erection of
gasoline
pump and
advertising
device near
regional road

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which

Idem

the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipalities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws
R.S.O. 1970,
c. 349

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

Appeal	(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.
Time for appeal	(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.
Leave to appeal	(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.
Practice and procedure on appeal	(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, <i>mutatis mutandis</i> , as upon an appeal from a county court, and the decision of the Divisional Court is final.
R.S.O. 1970, c. 323, s. 95, not to apply	(10) Section 95 of <i>The Ontario Municipal Board Act</i> does not apply to an appeal under this section.
Private roads, etc., opening upon regional controlled-access road	48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.
Notice	49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.
Service of notice	(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.
Failure to comply with notice	(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.
Offence	(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on

summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Regional liability where road forms part of system

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Idem

R.S.O. 1970, c. 255

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Settling of doubts

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Stopping-up highways

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional system.

Application
of R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area

R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of April, 1974 the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act* applies *mutatis mutandis* to the Regional Corporation.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Haldimand-Norfolk Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of March, 1974, and no area municipality except as provided in this Part, shall exercise any powers under *The Planning Act*.

Official
plans

(3) All official plans in effect in any part of the Regional Area, on and after the first day of April, 1974, remain in effect as official plans of the Haldimand-Norfolk Planning Area until a new official plan has been adopted by the Regional Council and approved by the Minister.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed

under section 35 of *The Planning Act*, or a predecessor thereof, then in effect in the planning area affected thereby shall be amended forthwith to conform therewith. R.S.O. 1970, c. 349

(5) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council. By-laws continued

(6) All the assets and liabilities pertaining to the planning functions transferred to the Regional Corporation under this section shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final. Assets and liabilities

55.—(1) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Planning duties of Regional Council

(2) The Regional Council may appoint such planning committees and staff as it considers necessary. Staff and committees

(3) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re: subdivisions

(4) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Haldimand-Norfolk Planning Area or any part thereof. Special studies

(5) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

56.—(1) When the Minister has approved an official plan adopted by the Regional Council the Regional Council may designate any area municipality or portion thereof within the Haldimand-Norfolk Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. District planning areas

(2) Upon designation of an area municipality or portion thereof as a district planning area, the Regional Council may authorize the council of the area municipality so Idem

R.S.O. 1970,
c. 349

Planning
duties of
area councils

designated to exercise such of the powers under sections 35 and 38 of *The Planning Act*, on such terms and conditions as the Regional Council may determine.

57.—(1) Every council of an area municipality designated as a district planning area under subsection 1 of section 56 shall at the request of the Regional Council investigate and survey the physical, social and economic conditions in relation to the development of the district planning area and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council.

Powers of
Regional
Council re
district plan

(2) The Regional Council shall, with respect to plans submitted to it under subsection 1,

- (a) adopt the plan as submitted, with or without amendment by the Regional Council, as an amendment to the official plan of the Haldimand-Norfolk Planning Area and forward it to the Minister for approval; or
- (b) reject the plan.

Dissolutions

58.—(1) All committees of adjustment or land division committees existing in the Regional Area on the 31st day of March, 1974, are hereby dissolved on such date and the Regional Council shall appoint a land division committee on or before the 1st day of April, 1974, without notice from the Minister, to grant consents referred to in section 29 of *The Planning Act* and a committee of adjustment under section 41 of the said Act.

Delegation
of Regional
Council's
powers

(2) Notwithstanding subsection 1, the Regional Council at anytime may delegate, on such terms and conditions

as it considers necessary, to the council of an area municipality the right to appoint a committee of adjustment to exercise the powers under section 42 of *The Planning Act*, except the power to grant consents mentioned in subsection 3 of the said section 42. R.S.O. 1970, c. 349

(3) Notwithstanding the provisions of *The Planning Act* relating to the qualification of members of a land division committee or a committee of adjustment, such committees may have a minority of council members. Composition of committee

PART V

HEALTH AND WELFARE

59.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, c. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of March, 1974, of an indigent person or his dependant who was in hospital on the 31st day of March, 1974, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Haldimand or the County of Norfolk, excepting that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of April, 1974. Proviso

60.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before Payment of principal and interest to area municipalities

the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital
costs form
part of
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 84.

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

61.—(1) On and after the 1st day of April, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Haldimand-Norfolk Regional Board of Health.

Dissolution
of health
unit

(2) The health unit serving the counties of Haldimand and Norfolk on the 31st day of March, 1974, is hereby dissolved on the 1st day of April, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Haldimand-Norfolk Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

62.—(1) On and after the 1st day of April, 1974, the Haldimand-Norfolk Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Haldimand-Norfolk Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Haldimand-Norfolk Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

63.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: Regional Corporation deemed city under R.S.O. 1970, cc. 21, 270, 422, 490

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality: Regional Council deemed county under R.S.O. 1970, cc. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974 and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. Assets and liabilities

64.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged R.S.O. 1970, c. 206

(2) The Grandview Lodge Home for the Aged and Norview Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of April, 1974, without compensation. County homes for aged vested in Regional Corporation

65.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of March, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality. Residents of other homes for aged

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

66. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Existing
liabilities
transferred
1965, c. 14

67. The Regional Corporation is liable for the amounts payable on or after the 1st day of April, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.O. 1970,
c. J-3

68. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

69. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

70. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

71. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

72. In this Part, "Haldimand-Norfolk Police Board" means the Haldimand-Norfolk Regional Board of Commissioners of Police.

73.—(1) Notwithstanding *The Police Act*, on the 15th day of January, 1974, a board of commissioners of police shall be constituted to be known as the Haldimand-Norfolk Regional Board of Commissioners of Police, which shall consist of,

Haldimand-Norfolk Regional Board established R.S.O. 1970, c. 351

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Haldimand-Norfolk Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional Corporation deemed city under R.S.O. 1970, c. 351

74.—(1) On and after the 1st day of April, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) subject to subsection 2, the Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) Notwithstanding section 17 of *The Police Act*, the Haldimand-Norfolk Police Board is responsible for policing only those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974.

Jurisdiction

Idem

(3) The Haldimand-Norfolk Police Board may with the approval of the Solicitor General assume responsibility for policing and the maintenance of law and order in any additional portions of the Regional Area.

Fines

(4) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Haldimand-Norfolk Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area police force

75.—(1) Every person who was a member of a police force of a municipality within the Regional Area on the 1st day of July, 1973, and continues to be a member until the 31st day of March, 1974, shall, on the 1st day of April, 1974, become a member of the Haldimand-Norfolk Regional Police Force, and the provisions of subsections 4 and 11 of section 28a apply to such members, but no member shall receive in the year 1974 and until the 31st day of March, 1975, any benefits of employment, with the exception of rank, less favourable than those he was receiving from the municipality.

Haldimand-Norfolk Regional Police Force



(2) Every person who is a member of a police force of a municipality within the Regional Area on the 31st day of March, 1974, and becomes a member of the Haldimand-Norfolk Regional Police Force on the 1st day of April, 1974, is subject to the government of the Haldimand-Norfolk Police Board to the same extent as if appointed by the Haldimand-Norfolk Police Board and the Haldimand-Norfolk Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Haldimand-Norfolk Police Force.

Terms of employment

(3) Every person who becomes a member of the Haldimand-Norfolk Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Haldimand-Norfolk Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the Town of Dunnville Police Force on and after the 1st day of April, 1974, in respect of service after such date;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age, except that those members of the police force of a municipality whose retirement age was sixty-five years of age immediately before they became members of the Haldimand-Norfolk Regional Police Force shall continue until the 1st day of April, 1979, to have a retirement age of sixty-five years of age;
- (c) have credited to him in the Haldimand-Norfolk Regional Police Force the total number of years of service that he had in the police force of the municipality of which he was a member immediately prior to the 1st day of April, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Haldimand-Norfolk Police Board as he had standing to his credit in the plan of the municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of March, 1974.

 (4) Notwithstanding clause *a* of subsection 3, those members of the Haldimand-Norfolk Regional Police Force who participated in a supplementary pension plan on or before the 31st day of March, 1974, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 6, and its successor, shall be entitled to negotiate with the Haldimand-Norfolk Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members. 

(5) Civilian employees and assistants of the Haldimand-Norfolk Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age. Supplementary pension plans

(6) On or before the 15th day of January, 1974, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Haldimand-Norfolk Police Board in the manner and for the purposes provided in *The Police Act* and the Haldimand-Norfolk Police Board shall be the sole negotiating body to bargain with such committee. Civilian employee retirement

R.S.O. 1970,
c. 351

Time of
meeting

(7) The first meeting of the bargaining committee and the Haldimand-Norfolk Police Board shall be held not later than the 15th day of February, 1974.

Application of
R.S.O. 1970,
c. 284

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Haldimand-Norfolk Police Board.

Assumption
of buildings

76.—(1) The Regional Council shall, before the 1st day of April, 1974, pass by-laws which shall be effective on such date assuming for the use of the Haldimand-Norfolk Police Board any such land or building that the Haldimand-Norfolk Police Board may require that is vested on the 1st day of October, 1973, in any municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Extension
of time

(2) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of April, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection 1 is used by the municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection 1 or 2,

(a) no compensation or damage shall be payable to the municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of October, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(5) If the Regional Corporation fails to make any pay-^{Default}ment on or before the due date as required by clause b of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) Where a building vested in a municipality or local^{Accommodation} board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Haldimand-Norfolk Police Board on or after the 1st day of April, 1974, shall provide at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Haldimand-Norfolk Police Board as was being provided by the local municipality for its police force on the 1st day of October, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the Haldimand-Norfolk Police Board,^{Office supplies, etc.} each area municipality, for the use of the Haldimand-Norfolk Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of April, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of April, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Board on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property
to be
provided

77. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Haldimand-Norfolk Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

Region to
be sole
distributor
of water

78.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of
water supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and

distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Corporation shall pay to the corporation ^{Regional Corporation liability} of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owners' share of a local improvement work.

(5) If the Regional Corporation fails to make any payment ^{Default} as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area ^{Water supply agreement} respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of April, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(7) The Regional Corporation may by by-law provide for ^{Special rates} imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional water-works system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. ^{Raising of money by area municipality}

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

79.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land
drainage

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption
of area
municipality
land drainage
systems

(10) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal

R.S.O. 1970,
c. 284

Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

80.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area
municipality
deemed a
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed a
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 84 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Regional
grant
payment in
1974

(4) In the year 1974, the Regional Corporation shall be entitled to receive the full annual payment under section 2 of *The Regional Municipal Grants Act*, and no municipality within the Regional Area shall be entitled to any payment under *The Municipal Unconditional Grants Act* in respect of the period after the 31st day of December, 1973.

R.S.O. 1970,
c. 293

81. Notwithstanding any other general or special Act, for all municipalities within the Regional Area, the financial year 1973 shall be deemed to run from the 1st day of January, 1973, until the 31st day of March, 1974, and for the area municipalities within the Regional Area and the Regional Corporation the financial year 1974 shall be deemed to run from the 1st day of April, 1974 until the 31st day of December, 1974, and the Minister may by order do any such thing as he deems necessary to obtain a just and equitable distribution of costs and revenues between such financial years.

Definition of
1973 and 1974
financial
years

82. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of
moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES

83.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Corporation for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

Allowance
to be made
in estimates

(3) The surplus or operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1974 shall be the audited surplus or operating deficit of the County of Haldimand and the audited surplus or operating deficit of the County of Norfolk on the 31st day of March, 1974, as reduced by any payment to the County of Oxford under subsection 7.

Surplus or
operating
deficit of
Regional
Council
in 1974

(4) The amount by which any operating deficit existing for the County of Haldimand on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
deficit.
County of
Haldimand

Operating
deficit,
County of
Norfolk

(5) The amount by which any operating deficit existing for the County of Norfolk on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
surplus,
County of
Haldimand

(6) Where an operating surplus exists for the County of Haldimand on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Operating
surplus,
County of
Norfolk

(7) When an operating surplus exists for the County of Norfolk on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation, and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes in respect of that part of the Township of Middleton which becomes part of the Town of Tillsonburg, in the proportion that the assessment of such part bears to the total assessment of the Township of Middleton, both according to the last revised assessment roll, to the County of Oxford, not later than the 30th day of September, 1974.

Application
of R.S.O. 1970,
cc. 32, 284

(8) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area
municipalities

84.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under sub-^{Idem}section 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Assessment}

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. ^{Copy to Regional Corporation and area municipalities}

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue. ^{Appeal}

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting. ^{Idem}

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, ^{Amendment of by-law where necessary following appeal}

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if

the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

R.S.O. 1970,
c. 32

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1970,
c. 284,
1971, c. 78
1973, c. 73

Valuation of
properties

Levy
by-laws

Regional
levy

Payment

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 141 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(15) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due^a until it is made.

85. Notwithstanding the provisions of section 84, in the ¹⁹⁷⁴ year 1974, the Regional Council may by by-law adjust the ^{levy} ^{adjustment} apportionment of the regional levy on area municipalities in order that the levy is just and equitable, and such by-law, when approved by the Minister, shall be effective for the purpose of apportionment under section 84.

86.—(1) The Ministry of Revenue shall revise, equalize and ^{Equalized} ^{assessment} ^{of merged} ^{areas} weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all ^{Apportion-} ^{ment among} ^{merged areas} purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. ^{R.S.O. 1970,} ^{cc. 405, 284, 32}

(4) The rates to be levied in each merged area shall be ^{Determina-} ^{tion of rates} determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

87.—(1) Notwithstanding section 84, in 1974 the Regional ^{Levy by} ^{Regional} ^{Council} ^{before} ^{estimates} ^{adopted} Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general

municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 84 and subsections 14 and 15 of section 84 apply to such levy.

Idem

(2) Notwithstanding section 84, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 84 apply to such levy.

Levy under
s. 84
to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 84.

Levy by
area
municipality
before
estimates
adopted

(4) Notwithstanding section 86, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1974, 75 per cent, and in all subsequent years, 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 86 to be
reduced

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 86.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised and weighted assessment under subsection 4 of section 84.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, on or before the 1st day of April, 1974.

Interim
levy

(9) No local municipality shall pass a by-law under section 303 of *The Municipal Act* prior to the 1st day of April, 1974.

Rates under
R.S.O. 1970,
c. 430

88.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the

area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for
secondary
school
purposes on
residential
assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425
to apply

ADJUSTMENTS

Transitional
adjustments

89.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality and the Town of Tillsonburg, shall levy, on the assessment for real property and business according to the last revised assessment roll, in any specified merged area or areas or in any specified part or parts of the Town of Tillsonburg rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Town of
Tillsonburg,
added
assessments

(2) On or before the 15th day of March, 1974, the Ministry of Revenue shall supply to the clerk of the Town of Tillsonburg, and the clerk shall add to the collector's roll of such town, the value of the land and buildings including business assessment in that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2, and such additions shall be deemed to be additions under section 43 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Allowances
to be made
in estimates
of area
municipi-
palities in 1974
R.S.O. 1970,
c. 284

90.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of March, 1974.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
for payment
under s. 83

(4) For the purposes of this section and section 91, the audited surplus or operating deficit of a local municipality on the 31st day of March, 1974, shall be reduced or increased, as the case may be, by any payment required under subsection 4 or 5 of section 83.

91.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpretation

R.S.O. 1970,
c. 284

(2) The audited surplus or operating deficit of a local municipality at the 31st day of March, 1974, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of April, 1974.

Surplus or deficit at March 31, 1974, to be applied to supporting assessment

92.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality or local board thereof.

Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Idem

(3) Before the 31st day of March, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of April, 1974.

Provisional determination

(4) As soon as possible thereafter, the committees shall, where appropriate, make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of March, 1974, together with determinations of any financial adjustments which may be necessary.

Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the Regional Corporation and the Municipal Board and unless the council of any such municipality or the Regional Corporation notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the Regional Corporation.

Notice

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of sections 83, 91 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

93.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds,
establi-
shment

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

95.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Current borrowing
R.S.O. 1970,
c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Idem

DEBT

96.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt
R.S.O. 1970,
c. 323

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of March, 1974, power to issue debentures. Limitation

(4) When an area municipality, on or before the 31st day of March, 1974, Uncompleted works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 99 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

- (5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

97. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 96 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

98.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending
issue and
sale of
debentures

99.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 111 shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

100.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a

special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a ^{By-law to change mode of issuing debentures} change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council, upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. ^{Debentures, when to be dated and issued}

(12) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name

the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the

currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional

Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
securities
with
Treasurer of
Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of
securities by
Treasurer of
Ontario

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure to
levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund

account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42. ^{Deficit and surplus}

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

When rate
of interest
may be varied

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 99 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

102.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

103.—(1) Subject to section 102, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

Offence for
neglect of
officer to
carry out
by-law

104. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

105.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law, registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality

as required by subsection 1 of section 98 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 100 have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

106.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority Sufficiency of signatures

to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

107. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of transfer may be prescribed

108.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

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the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or

administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

109. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacement of lost debentures placing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

110.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

111.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of assets
acquired from
proceeds of
sale of
debentures

112. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 111 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Tenders
for
debentures

113. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

114.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

115. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Application
of surplus
money

116.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may

Action by
ratepayer

be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

117. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

118. In the financial year 1973, no local municipality shall, after the 15th day of November, without the approval of the Minister, sell, lease or otherwise dispose of any asset purchased at a cost of or valued at more than \$5,000.

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

119.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 46, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Section 378 and paragraph 7 of subsection 1 of section 381 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers. Application of R.S.O. 1970, c. 284

(3) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(4) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(5) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(6) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of March, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of April, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law. Idem

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 5, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil defence

120.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area.

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed
county for
R.S.O. 1970,
c. 145

121.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes. Expenditures
for diffusing
information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of March, 1974. Application
of R.S.O. 1970,
c. 284

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 28a apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation. Staff

122. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the Grants to
persons
engaged in
work
advantageous
to Regional
Area

general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

R.S.O. 1970,
c. 505

123. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Haldimand-Norfolk Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation
by county
judge of
charges of
malfeasance

1971, c. 49

124.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable
to judge

R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or

inquiry, and the Regional Corporation shall pay the costs thereof.

125.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. ^{Commission of inquiry 1971, c. 49}

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. ^{When commission may issue}

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. ^{Expenses of commission}

126. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. ^{Entry on highway, etc.}

127. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. ^{Agreements re services}

128.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. ^{Application of R.S.O. 1970, c. 23}

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. ^{Regional Corporation and area municipalities deemed not tenants}

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

129.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Haldimand-Norfolk" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

130.—(1) The corporations of the counties of Haldimand and Norfolk are dissolved on the 1st day of April, 1974, and the Regional Corporation shall stand in the place and stead of such counties in any agreements to which such counties were parties in so far as such agreements pertain to the Regional Area.

(2) All the assets and liabilities of the counties of Haldimand and Norfolk become, subject to section 92, on the 1st day of April, 1974, the assets and liabilities of the Regional Corporation and all documents and records kept by the clerk or treasurer or any other officer of the counties of Haldimand and Norfolk shall be transferred to the clerk.

131.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Haldimand and Norfolk.

Function
of clerk,
collector and
assessor

Counties
dissolved

Assets and
liabilities,
etc.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Conditional
powers

132. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

133.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the counties of Haldimand and Norfolk or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

134.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

135.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of April, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of April, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

136. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall, on Agreement successor rights

and after the 1st day of April, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

137. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

138.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of March, 1974, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of March, 1974, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

139.—(1) On and after the 1st day of April, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of March, 1974, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, in-

cluding *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of April, 1974.

Commissions dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. *

Members of commission not disqualified as members of Council

140.—(1) On the 31st day of March, 1974, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof, subject to section 92, vest on the 1st day of April, 1974, in the area municipality of which the local municipality forms part.

Dissolution of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management board
R.S.O. 1970, c. 120, 73

141.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring land for parks, etc.

R.S.O. 1970, c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970, c. 250

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, c. 284

Regional
Corporation a
municipality
under
R.S.O. 1970,
cc. 337, 120, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and the Regional Council shall be deemed to be a recreation committee for the purposes of *The Ministry of Community and Social Services Act* and a board of a community centre for the purposes of *The Community Centres Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum,
etc., vested
in Regional
Corporation

142. The Haldimand County Museum and the Wilson MacDonald Memorial School Museum together with the assets and liabilities thereof vest, on the 1st day of April, 1974, in the Regional Corporation.

R.S.O. 1970,
c. 284, s. 244,
not to apply

143. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area during the period ending the 31st day of March, 1974.

Public
library
boards

144. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

145.—(1) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipality shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of the said Act, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 332

(2) Paragraph 75 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

146.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Conditions of payment

5. Sections 29 and 30 of the said Act are renumbered as sections 147 and 148 respectively. ss. 29, 30, renumbered

6.—(1) This Act, except Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, as enacted by section 4, comes into force on the day it receives Royal Assent. Commencement

(2) Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, as enacted by section 4, come into force on the 1st day of April, 1974. Idem

7. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1973*. Short title

An Act to amend
The Regional Municipality of
Haldimand-Norfolk Act, 1973

1st Reading

November 15th, 1973

2nd Reading

December 5th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Regional Municipality
of Haldimand-Norfolk Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

**An Act to amend The Regional
Municipality of Haldimand-Norfolk
Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right

or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 95;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of April, 1974, means the area included within the counties of Haldimand and Norfolk, and
 - (ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;

- (p) "Regional Corporation" means, subject to subsection 7 of section 6, The Regional Municipality of Haldimand-Norfolk;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

2. Section 2 of the said Act is amended by adding thereto the ^{s. 2, amended} following subsections:

(1a) The portion of the Township of Middleton described as follows is annexed to the Town of Tillsonburg on the 1st day of April, 1974: ^{Portion of Middleton annexed to Tillsonburg}

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement.

3. The said Act is amended by adding thereto the following ^{s. 28a, enacted} section:

28a.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof, or by the County of Norfolk or a local board thereof the Regional Corporation or a local ^{Pensions}

board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of July, 1973, was employed

by the County of Haldimand or by any local board thereof or by the County of Norfolk or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of March, 1974.

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of March, 1975, of not less than he was receiving on the 1st day of July, 1973. ^{Entitlement to salary}

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. ^{Application of R.S.O. 1970, c. 324}

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of July, 1973 and who continue to be so employed until the 31st day of March, 1974, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of March, 1975, not less than he was receiving on the 1st day of July, 1973. ^{Offer of employment}

(9) Any sick leave credits standing on the 31st day of March, 1974 to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. ^{Sick leave credits}

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. ^{Holidays}

(11) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Parts III-X
(ss. 29-146),
enacted

4. The said Act is amended by adding thereto the following Parts:

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

30.—(1) On and after the 1st day of April, 1974, all roads on the 31st day of March, 1974, under the jurisdiction and control of the County of Haldimand and the County of Norfolk, within the Regional Area, shall constitute the regional road system, excluding that portion of the Township of Middleton described in subsection 1a of section 2 annexed to the Town of Tillsonburg.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county or regional municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation. Vesting of roads in regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system. Removal of roads from regional road system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. Roads removed from system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system. Status of land acquired for widening regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Idem

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws. Consolidating by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council. Approval of by-laws

(11) *The Regulations Act* does not apply to an order in council made under this section. Application of R.S.O. 1970, c. 410

Plans of
construction
and
maintenance

(12) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of
information
to Minister

31. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

33. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

34. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Haldimand or The Corporation of the County of Norfolk or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Haldimand or the County of Norfolk or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

35.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970, c. 201, s. 97, subs. 4 not to apply

36.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality

Construction of sidewalk, etc., on area municipality road

may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

37. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

R.S.O. 1970,
c. 284

38. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and
liabilities
of Regional
Corporation

R.S.O. 1970,
cc. 284, 202

39.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service.

Erection of
gasoline
pump and
advertising
device near
regional road

40.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road;
- (b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of regional roads

42. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970,
c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which

Idem

the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipal-
ities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

46.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws
R.S.O. 1970,
c. 349

47.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice
and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening upon
regional
controlled-
access road

48. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

49.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 48.

Service
of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on

summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

52. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional system.

Application
of R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

PLANNING

Planning
area

R.S.O. 1970,
c. 349

54.—(1) On and after the 1st day of April, 1974 the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act* applies *mutatis mutandis* to the Regional Corporation.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Haldimand-Norfolk Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of March, 1974, and no area municipality except as provided in this Part, shall exercise any powers under *The Planning Act*.

Official
plans

(3) All official plans in effect in any part of the Regional Area, on and after the first day of April, 1974, remain in effect as official plans of the Haldimand-Norfolk Planning Area until a new official plan has been adopted by the Regional Council and approved by the Minister.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed

under section 35 of *The Planning Act*, or a predecessor thereof, then in effect in the planning area affected thereby shall be amended forthwith to conform therewith. R.S.O. 1970,
c. 349

(5) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council. By-laws
continued

(6) All the assets and liabilities pertaining to the planning functions transferred to the Regional Corporation under this section shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final. Assets and
liabilities

55.—(1) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area. Planning
duties of
Regional
Council

(2) The Regional Council may appoint such planning committees and staff as it considers necessary. Staff
and
committees

(3) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements
re:
subdivisions

(4) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Haldimand-Norfolk Planning Area or any part thereof. Special
studies

(5) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation
of Minister's
powers

56.—(1) When the Minister has approved an official plan adopted by the Regional Council the Regional Council may designate any area municipality or portion thereof within the Haldimand-Norfolk Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. District
planning
areas

(2) Upon designation of an area municipality or portion thereof as a district planning area, the Regional Council may authorize the council of the area municipality so Idem

R.S.O. 1970,
c. 349

Planning
duties of
area councils

designated to exercise such of the powers under sections 35 and 38 of *The Planning Act*, on such terms and conditions as the Regional Council may determine.

57.—(1) Every council of an area municipality designated as a district planning area under subsection 1 of section 56 shall at the request of the Regional Council investigate and survey the physical, social and economic conditions in relation to the development of the district planning area and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council.

Powers of
Regional
Council re
district plan

(2) The Regional Council shall, with respect to plans submitted to it under subsection 1,

- (a) adopt the plan as submitted, with or without amendment by the Regional Council, as an amendment to the official plan of the Haldimand-Norfolk Planning Area and forward it to the Minister for approval; or
- (b) reject the plan.

Dissolutions

58.—(1) All committees of adjustment or land division committees existing in the Regional Area on the 31st day of March, 1974, are hereby dissolved on such date and the Regional Council shall appoint a land division committee on or before the 1st day of April, 1974, without notice from the Minister, to grant consents referred to in section 29 of *The Planning Act* and a committee of adjustment under section 41 of the said Act.

Delegation
of Regional
Council's
powers

(2) Notwithstanding subsection 1, the Regional Council at anytime may delegate, on such terms and conditions

as it considers necessary, to the council of an area municipality the right to appoint a committee of adjustment to exercise the powers under section 42 of *The Planning Act*, except the power to grant consents mentioned in subsection 3 of the said section 42. R.S.O. 1970, c. 349

(3) Notwithstanding the provisions of *The Planning Act* relating to the qualification of members of a land division committee or a committee of adjustment, such committees may have a minority of council members. Composition of committee

PART V

HEALTH AND WELFARE

59.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of March, 1974, of an indigent person or his dependant who was in hospital on the 31st day of March, 1974, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Haldimand or the County of Norfolk, excepting that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of April, 1974. Proviso

60.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before Payment of principal and interest to area municipalities

the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital
costs form
part of
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 84.

Regional
Area to be
health unit
R.S.O. 1970,
c. 377

61.—(1) On and after the 1st day of April, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Haldimand-Norfolk Regional Board of Health.

Dissolution
of health
unit

(2) The health unit serving the counties of Haldimand and Norfolk on the 31st day of March, 1974, is hereby dissolved on the 1st day of April, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Haldimand-Norfolk Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

62.—(1) On and after the 1st day of April, 1974, the Haldimand-Norfolk Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Haldimand-Norfolk Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Haldimand-Norfolk Regional Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

63.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Council
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection 2 shall become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974 and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding.

Assets and
liabilities

64.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability
for homes
for aged
R.S.O. 1970,
c. 206

(2) The Grandview Lodge Home for the Aged and Norview Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of April, 1974, without compensation.

County
homes for
aged vested
in Regional
Corporation

65.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of March, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents
of other
homes for
aged

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

66. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Existing
liabilities
transferred
1965, c. 14

67. The Regional Corporation is liable for the amounts payable on or after the 1st day of April, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.C. 1970,
c. J-3

68. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

69. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

70. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

71. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Interpre-
tation

72. In this Part, "Haldimand-Norfolk Police Board" means the Haldimand-Norfolk Regional Board of Commissioners of Police.

73.—(1) Notwithstanding *The Police Act*, on the 15th day of January, 1974, a board of commissioners of police shall be constituted to be known as the Haldimand-Norfolk Regional Board of Commissioners of Police, which shall consist of,

Haldimand-Norfolk Regional Board established R.S.O. 1970, c. 351

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Haldimand-Norfolk Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Remuneration

74.—(1) On and after the 1st day of April, 1974,

Regional Corporation deemed city under R.S.O. 1970, c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) subject to subsection 2, the Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) Notwithstanding section 17 of *The Police Act*, the Haldimand-Norfolk Police Board is responsible for policing only those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974.

Jurisdiction

Idem

(3) The Haldimand-Norfolk Police Board may with the approval of the Solicitor General assume responsibility for policing and the maintenance of law and order in any additional portions of the Regional Area.

Fines

(4) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Haldimand-Norfolk Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area police force

75.—(1) Every person who was a member of a police force of a municipality within the Regional Area on the 1st day of July, 1973, and continues to be a member until the 31st day of March, 1974, shall, on the 1st day of April, 1974, become a member of the Haldimand-Norfolk Regional Police Force, and the provisions of subsections 4 and 11 of section 28*a* apply to such members, but no member shall receive in the year 1974 and until the 31st day of March, 1975, any benefits of employment, with the exception of rank, less favourable than those he was receiving from the municipality.

Haldimand-Norfolk Regional Police Force

(2) Every person who is a member of a police force of a municipality within the Regional Area on the 31st day of March, 1974, and becomes a member of the Haldimand-Norfolk Regional Police Force on the 1st day of April, 1974, is subject to the government of the Haldimand-Norfolk Police Board to the same extent as if appointed by the Haldimand-Norfolk Police Board and the Haldimand-Norfolk Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Haldimand-Norfolk Police Force.

Terms of employment

(3) Every person who becomes a member of the Haldimand-Norfolk Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Haldimand-Norfolk Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the Town of Dunnville Police Force on and after the 1st day of April, 1974, in respect of service after such date;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age, except that those members of the police force of a municipality whose retirement age was sixty-five years of age immediately before they became members of the Haldimand-Norfolk Regional Police Force shall continue until the 1st day of April, 1979, to have a retirement age of sixty-five years of age;
- (c) have credited to him in the Haldimand-Norfolk Regional Police Force the total number of years of service that he had in the police force of the municipality of which he was a member immediately prior to the 1st day of April, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Haldimand-Norfolk Police Board as he had standing to his credit in the plan of the municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of March, 1974.

(4) Notwithstanding clause *a* of subsection 3, those members of the Haldimand-Norfolk Regional Police Force who participated in a supplementary pension plan on or before the 31st day of March, 1974, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection 6, and its successor, shall be entitled to negotiate with the Haldimand-Norfolk Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

(5) Civilian employees and assistants of the Haldimand-Norfolk Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(6) On or before the 15th day of January, 1974, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Haldimand-Norfolk Police Board in the manner and for the purposes provided in *The Police Act* and the Haldimand-Norfolk Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(7) The first meeting of the bargaining committee and the Haldimand-Norfolk Police Board shall be held not later than the 15th day of February, 1974.

Application of
R.S.O. 1970,
c. 284

(8) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Haldimand-Norfolk Police Board.

Assumption
of buildings

76.—(1) The Regional Council shall, before the 1st day of April, 1974, pass by-laws which shall be effective on such date assuming for the use of the Haldimand-Norfolk Police Board any such land or building that the Haldimand-Norfolk Police Board may require that is vested on the 1st day of October, 1973, in any municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Extension
of time

(2) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of April, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection 1 is used by the municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection 1 or 2,

- (a) no compensation or damage shall be payable to the municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of October, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(5) If the Regional Corporation fails to make any pay-^{Default}ment on or before the due date as required by clause b of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) Where a building vested in a municipality or local^{Accommodation} board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Haldimand-Norfolk Police Board on or after the 1st day of April, 1974, shall provide at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Haldimand-Norfolk Police Board as was being provided by the local municipality for its police force on the 1st day of October, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the Haldimand-Norfolk Police Board,^{Office supplies, etc.} each area municipality, for the use of the Haldimand-Norfolk Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of April, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of April, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Board on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property
to be
provided

77. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Haldimand-Norfolk Police Board.

PART VII

REGIONAL WATERWORKS SYSTEM

Region to
be sole
distributor
of water

78.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to distribute
water

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of
water supply
facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and

distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owners' share of a local improvement work.

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(6) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the supply and distribution of water, the Regional Corporation shall, on the 1st day of April, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement. ^{Water supply agreement}

(7) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof to which water is supplied and distributed, a water rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional water-works system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board. ^{Special rates}

(8) For the purpose of making payments chargeable to the area municipality by the Regional Corporation in respect of water, the area municipality may raise money by any method or methods authorized by law or by any combination thereof as if the area municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. ^{Raising of money by area municipality}

PART VIII

REGIONAL SEWAGE WORKS

Regional
Corporation
responsible
for sanitary
sewage

79.—(1) On and after the 1st day of April, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 8, in the Regional Area and all the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

No area
municipality
to collect
sanitary
sewage

(2) On and after the 1st day of April, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 8.

Vesting of
sanitary
sewage
facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 8, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality is vested in the Regional Corporation on the 1st day of April, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(4) The Regional Council shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

Default

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 8, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Special
rates

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 8, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Land
drainage

(9) Where the Regional Corporation undertakes a program provided for in subsection 8, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Assumption
of area
municipality
land drainage
systems

(10) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal

R.S.O. 1970,
c. 284

Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

80.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area
municipality
deemed a
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed a
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 84 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Regional
grant
payment in
1974

(4) In the year 1974, the Regional Corporation shall be entitled to receive the full annual payment under section 2 of *The Regional Municipal Grants Act*, and no municipality within the Regional Area shall be entitled to any payment under *The Municipal Unconditional Grants Act* in respect of the period after the 31st day of December, 1973.

R.S.O. 1970,
c. 293

81. Notwithstanding any other general or special Act, for all municipalities within the Regional Area, the financial year 1973 shall be deemed to run from the 1st day of January, 1973, until the 31st day of March, 1974, and for the area municipalities within the Regional Area and the Regional Corporation the financial year 1974 shall be deemed to run from the 1st day of April, 1974 until the 31st day of December, 1974, and the Minister may by order do any such thing as he deems necessary to obtain a just and equitable distribution of costs and revenues between such financial years.

Definition of
1973 and 1974
financial
years

82. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of
moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES

83.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Corporation for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Yearly
estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

Allowance
to be made
in estimates

(3) The surplus or operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1974 shall be the audited surplus or operating deficit of the County of Haldimand and the audited surplus or operating deficit of the County of Norfolk on the 31st day of March, 1974, as reduced by any payment to the County of Oxford under subsection 7.

Surplus or
operating
deficit of
Regional
Council
in 1974

(4) The amount by which any operating deficit existing for the County of Haldimand on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
deficit,
County of
Haldimand

Operating
deficit,
County of
Norfolk

(5) The amount by which any operating deficit existing for the County of Norfolk on the 31st day of March, 1974, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportion as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipalities not later than the 30th day of September, 1974.

Operating
surplus,
County of
Haldimand

(6) Where an operating surplus exists for the County of Haldimand on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation.

Operating
surplus,
County of
Norfolk

(7) When an operating surplus exists for the County of Norfolk on the 31st day of March, 1974, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation, and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes in respect of that part of the Township of Middleton which becomes part of the Town of Tillsonburg, in the proportion that the assessment of such part bears to the total assessment of the Township of Middleton, both according to the last revised assessment roll, to the County of Oxford, not later than the 30th day of September, 1974.

Application
of R.S.O. 1970,
cc. 32, 284

(8) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area
municipalities

84.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 9, all amounts levied under sub-Idem section 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Assessment}

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. ^{Copy to Regional Corporation and area municipalities}

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue. ^{Appeal}

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting. ^{Idem}

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, ^{Amendment of by-law where necessary following appeal}

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if

the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1970, c. 284, 1971, c. 78 1973, c. 73

Valuation of properties

Levy by-laws

Regional levy

Payment

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 141 to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*.

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(15) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

85. Notwithstanding the provisions of section 84, in the ¹⁹⁷⁴ year 1974, the Regional Council may by by-law adjust the ^{levy} ^{adjustment} apportionment of the regional levy on area municipalities in order that the levy is just and equitable, and such by-law, when approved by the Minister, shall be effective for the purpose of apportionment under section 84.

86.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area ^{Equalized} ^{assessment} ^{of merged} ^{areas} municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all ^{Apportion-} ^{ment among} ^{merged areas} purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. ^{R.S.O. 1970,} ^{cc. 405, 284, 32}

(4) The rates to be levied in each merged area shall be ^{Determina-} ^{tion of rates} determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

87.—(1) Notwithstanding section 84, in 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general ^{Levy by} ^{Regional} ^{Council} ^{before} ^{estimates} ^{adopted}

municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 84 and subsections 14 and 15 of section 84 apply to such levy.

Idem

(2) Notwithstanding section 84, in 1975 and in subsequent years, the Regional Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 84 apply to such levy.

Levy under
s. 84
to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 84.

Levy by
area
municipality
before
estimates
adopted

(4) Notwithstanding section 86, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1974, 75 per cent, and in all subsequent years, 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 86 to be
reduced

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 86.

Application
of R.S.O. 1970,
c. 284, s. 303 (4)

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised and weighted assessment under subsection 4 of section 84.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, on or before the 1st day of April, 1974.

Interim
levy

(9) No local municipality shall pass a by-law under section 303 of *The Municipal Act* prior to the 1st day of April, 1974.

Rates under
R.S.O. 1970,
c. 430

88.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the

area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for public school purposes on commercial assessment
R.S.O. 1970, c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 86.

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

Transitional
adjustments

89.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality and the Town of Tillsonburg, shall levy, on the assessment for real property and business according to the last revised assessment roll, in any specified merged area or areas or in any specified part or parts of the Town of Tillsonburg rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Town of
Tillsonburg,
added
assessments

(2) On or before the 15th day of March, 1974, the Ministry of Revenue shall supply to the clerk of the Town of Tillsonburg, and the clerk shall add to the collector's roll of such town, the value of the land and buildings including business assessment in that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 1a of section 2, and such additions shall be deemed to be additions under section 43 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Allowances
to be made
in estimates
of area
municipi-
palities in 1974
R.S.O. 1970,
c. 284

90.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of March, 1974.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of April, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
for payment
under s. 83

(4) For the purposes of this section and section 91, the audited surplus or operating deficit of a local municipality on the 31st day of March, 1974, shall be reduced or increased, as the case may be, by any payment required under subsection 4 or 5 of section 83.

91.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*. Interpretation
R.S.O. 1970,
c. 284

(2) The audited surplus or operating deficit of a local municipality at the 31st day of March, 1974, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of April, 1974. Surplus or deficit at March 31, 1974, to be applied to supporting assessment

92.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality or local board thereof. Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of March, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of April, 1974. Provisional determination

(4) As soon as possible thereafter, the committees shall, where appropriate, make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of March, 1974, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the Regional Corporation and the Municipal Board and unless the council of any such municipality or the Regional Corporation notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the Regional Corporation. Notice

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. Idem

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of sections 83, 91 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

93.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds,
establish-
ment

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

95.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Current borrowing R.S.O. 1970, c. 284

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. Idem

DEBT

96.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1970, c. 323

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of March, 1974, power to issue debentures. Limitation

(4) When an area municipality, on or before the 31st day of March, 1974, Uncompleted works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 99 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

97. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 96 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

98.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending
issue and
sale of
debentures

99.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- Idem
ing of money and the issue of debentures by the Regional
Corporation for the purposes of an area municipality, the
Regional Council or the council of the area municipality
pending the issue and sale of the debentures may, and the
Regional Council on the request of the area municipality
shall, agree with a bank or person for temporary advances
from time to time to meet expenditures incurred for the
purposes authorized, and the Regional Council may, or on the
request of the area municipality shall, pending the sale of such
debentures or in lieu of selling them, authorize the chair-
man and treasurer to raise money by way of loan on the
debentures and to hypothecate them for the loan, and shall
transfer the proceeds of such advance or loan to the area
municipality.

(3) The Regional Corporation may charge interest on any Interest
on proceeds
transferred
proceeds of an advance or loan transferred under subsection
2 at a rate sufficient to reimburse it for the cost of such advance
or loan.

(4) The proceeds of every advance or loan under this Application
of proceeds
of loan
section shall be applied to the purposes for which the deben-
tures were authorized, but the lender shall not be bound to
see to the application of the proceeds and, if the debentures
are subsequently sold, the proceeds of the sale shall be applied
first in repayment of the loan and, where the debentures
were issued for the purposes of an area municipality, the
balance, subject to section 111 shall be transferred to the
area municipality.

(5) Subject to subsection 4, the redemption of a debenture Hypotheca-
tion not
to prevent
subsequent
sale of
debentures
hypothecated does not prevent the subsequent sale thereof.

100.—(1) Subject to subsection 2, a money by-law for the Principal
and
interest
payments
issuing of debentures shall provide that the principal shall be
repaid in annual instalments with interest annually or semi-
annually upon the balances from time to time remaining
unpaid, but the by-law may provide for annual instalments
of combined principal and interest.

(2) A money by-law for the issuing of debentures may Sinking
fund
debentures
provide that the principal shall be repaid at a fixed date
with interest payable annually or semi-annually, in which case
debentures issued under the by-law shall be known as sinking
fund debentures.

(3) Notwithstanding any general or special Act, the whole When
debentures
to be
payable
debt and the debentures to be issued therefor shall be made
payable within such term of years as the Municipal Board
may approve.

Special
levy against
area municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a

special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a ^{By-law to change mode of issuing debentures} change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council, upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and ^{Debentures, when to be dated and issued} within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(12) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name

the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the

currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional

Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970, c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1970, c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under sub-section 33 only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure to
levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund

account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42. ^{Deficit and surplus}

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

When rate
of interest
may be varied

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 99 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

102.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

103.—(1) Subject to section 102, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

Offence for
neglect of
officer to
carry out
by-law

104. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

105.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law, registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality

as required by subsection 1 of section 98 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 100 have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

106.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority Sufficiency of signatures

to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

107. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of transfer may be prescribed

108.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or

administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

109. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

110.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

111.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of assets
acquired from
proceeds of
sale of
debentures

112. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 111 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Tenders
for
debentures

113. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for

tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

114.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

115. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Application
of surplus
money

116.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may

Action by
ratepayer

be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of
debentures

117. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

118. In the financial year 1973, no local municipality shall, after the 15th day of November, without the approval of the Minister, sell, lease or otherwise dispose of any asset purchased at a cost of or valued at more than \$5,000.

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

119.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 46, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Section 378 and paragraph 7 of subsection 1 of section 381 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers. Application of R.S.O. 1970, c. 284

(3) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(4) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(5) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(6) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of March, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of April, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) Where any local municipality has commenced procedures to enact a by-law which, prior to its enactment, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law. Idem

Vesting of
transportation system
assets in
Regional
Corporation

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 5, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Emergency
measures,
civil defence

120.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area.

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed
county for
R.S.O. 1970,
c. 145

121.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes. Expenditures
for diffusing
information

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of March, 1974. Application
of R.S.O. 1970,
c. 284

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 28a apply *mutatis mutandis* to such employee on the date he is transferred to the Regional Corporation. Staff

122. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the Grants to
persons
engaged in
work
advantageous
to Regional
Area

general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment
of damages
to employees

R.S.O. 1970,
c. 505

123. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Haldimand-Norfolk Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation
by county
judge of
charges of
malfeasance

1971, c. 49

124.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable
to judge

R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or

inquiry, and the Regional Corporation shall pay the costs thereof.

125.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*. ^{Commission of inquiry 1971, c. 49}

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. ^{When commission may issue}

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. ^{Expenses of commission}

126. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. ^{Entry on highway, etc.}

127. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. ^{Agreements re services}

128.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. ^{Application of R.S.O. 1970, c. 23}

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. ^{Regional Corporation and area municipalities deemed not tenants}

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Execution
against
Regional
Corporation

129.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Haldimand-Norfolk" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

130.—(1) The corporations of the counties of Haldimand and Norfolk are dissolved on the 1st day of April, 1974, and the Regional Corporation shall stand in the place and stead of such counties in any agreements to which such counties were parties in so far as such agreements pertain to the Regional Area.

(2) All the assets and liabilities of the counties of Haldimand and Norfolk become, subject to section 92, on the 1st day of April, 1974, the assets and liabilities of the Regional Corporation and all documents and records kept by the clerk or treasurer or any other officer of the counties of Haldimand and Norfolk shall be transferred to the clerk.

131.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Haldimand and Norfolk.

Function
of clerk,
collector and
assessor

Counties
dissolved

Assets and
liabilities,
etc.

Powers of
Municipal
Board

R.S.O. 1970,
c. 284

Settling
of doubts

R.S.O. 1970,
c. 323

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final.

Conditional
powers

132. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

133.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the counties of Haldimand and Norfolk or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

134.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1970, c. 284, s. 256

135.—(1) In this section “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of April, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of April, 1974, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

136. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall, on Agreement successor rights

and after the 1st day of April, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Regional
Fire
Co-ordinator

137. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

138.—(1) Notwithstanding the other provisions of the Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of March, 1974, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils
R.S.O. 1970,
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of March, 1974, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

139.—(1) On and after the 1st day of April, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of March, 1974, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, in-

cluding *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of April, 1974. Commissions dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. Members of commission not disqualified as members of Council

140.—(1) On the 31st day of March, 1974, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof, subject to section 92, vest on the 1st day of April, 1974, in the area municipality of which the local municipality forms part. Dissolution of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Recreation and parks management board
R.S.O. 1970, cc. 120, 73

141.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. Acquiring land for parks, etc.
R.S.O. 1970, c. 384

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe. Sale of spirituous, etc., liquors in parks
R.S.O. 1970, c. 250

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

Regional
Corporation a
municipality
under
R.S.O. 1970,
cc. 337, 120, 73

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act* and the Regional Council shall be deemed to be a recreation committee for the purposes of *The Ministry of Community and Social Services Act* and a board of a community centre for the purposes of *The Community Centres Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

County
museum,
etc., vested
in Regional
Corporation

142. The Haldimand County Museum and the Wilson MacDonald Memorial School Museum together with the assets and liabilities thereof vest, on the 1st day of April, 1974, in the Regional Corporation.

R.S.O. 1970,
c. 284, s. 244,
not to apply

143. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area during the period ending the 31st day of March, 1974.

Public
library
boards

144. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

145.—(1) For the purposes of sections 63 and 64 of *The Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipality shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 62 and 65 of the said Act, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 332

(2) Paragraph 75 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

146.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation. Organization expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Conditions of payment

5. Sections 29 and 30 of the said Act are renumbered as sections 147 and 148 respectively. ss. 29, 30, renumbered

6.—(1) This Act, except Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, as enacted by section 4, comes into force on the day it receives Royal Assent. Commencement

(2) Parts V, VII and VIII and sections 80, 82 to 86, subsections 1 to 6 of section 87, sections 88 to 91 and 93 to 117 of Part IX, as enacted by section 4, come into force on the 1st day of April, 1974. idem

7. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1973*. Short title

An Act to amend
The Regional Municipality of
Haldimand-Norfolk Act, 1973

1st Reading

November 15th, 1973

2nd Reading

December 5th, 1973

3rd Reading

December 12th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

